

Official Journal of the European Union

L 206



English edition

Legislation

Volume 63

30 June 2020

Contents

II *Non-legislative acts*

REGULATIONS

- ★ **Commission Implementing Regulation (EU) 2020/890 of 23 June 2020 entering a name in the register of protected designations of origin and protected geographical indications [‘Mele del Trentino’ (IGP)]** 1
- ★ **Commission Implementing Regulation (EU) 2020/891 of 26 June 2020 amending Implementing Regulation (EU) No 447/2014 as regards specific provisions to align the provisions for the implementation of cross-border cooperation programmes financed under the Instrument for Pre-accession Assistance (IPA) with specific measures in response to the COVID-19 pandemic** 3
- ★ **Commission Implementing Regulation (EU) 2020/892 of 29 June 2020 concerning the non-renewal of the approval of the active substance beta-cyfluthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽¹⁾** 5
- ★ **Commission Implementing Regulation (EU) 2020/893 of 29 June 2020 amending Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code** 8
- ★ **Commission Implementing Regulation (EU) 2020/894 of 29 June 2020 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products** 27

DECISIONS

- ★ **Political and Security Committee Decision (CFSP) 2020/895 of 25 June 2020 on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision (CFSP) 2020/401 (ATALANTA/2/2020)** 63

⁽¹⁾ Text with EEA relevance.

EN

Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

The titles of all other acts are printed in bold type and preceded by an asterisk.

- ★ **Decision No 1/2020 of the Community/Switzerland Inland Transport Committee of 19 June 2020 aligning Decision No 2/2019 with the dates of transposition, postponed due to the COVID-19 pandemic, of Directives (EU) 2016/797 and (EU) 2016/798 of the European Parliament and of the Council [2020/896] 65**

II

(Non-legislative acts)

REGULATIONS

COMMISSION IMPLEMENTING REGULATION (EU) 2020/890

of 23 June 2020

entering a name in the register of protected designations of origin and protected geographical indications ['Mele del Trentino' (IGP)]

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1151/2012 of the European Parliament and of the Council of 21 November 2012 on quality schemes for agricultural products and foodstuffs ⁽¹⁾, and in particular Article 52(2) thereof,

Whereas:

- (1) Pursuant to Article 50(2)(a) of Regulation (EU) No 1151/2012, Italy's application to register the name 'Mele del Trentino' was published in the *Official Journal of the European Union* ⁽²⁾.
- (2) As no statement of opposition under Article 51 of Regulation (EU) No 1151/2012 has been received by the Commission, the name 'Mele del Trentino' should therefore be entered in the register,

HAS ADOPTED THIS REGULATION:

Article 1

The name 'Mele del Trentino' (PGI) is hereby entered in the register.

The name specified in the first paragraph denotes a product in Class 1.6. Fruit, vegetables and cereals, fresh or processed, as listed in Annex XI to Commission Implementing Regulation (EU) No 668/2014 ⁽³⁾.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 343, 14.12.2012, p. 1.

⁽²⁾ OJ C 72, 5.3.2020, p. 14.

⁽³⁾ Commission Implementing Regulation (EU) No 668/2014 of 13 June 2014 laying down rules for the application of Regulation (EU) No 1151/2012 of the European Parliament and of the Council on quality schemes for agricultural products and foodstuffs (OJ L 179, 19.6.2014, p. 36).

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 June 2020.

For the Commission
On behalf of the President
Janusz WOJCIECHOWSKI
Member of the Commission

COMMISSION IMPLEMENTING REGULATION (EU) 2020/891**of 26 June 2020****amending Implementing Regulation (EU) No 447/2014 as regards specific provisions to align the provisions for the implementation of cross-border cooperation programmes financed under the Instrument for Pre-accession Assistance (IPA) with specific measures in response to the COVID-19 pandemic**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 231/2014 of the European Parliament and of the Council of 11 March 2014 establishing an Instrument for Pre-accession Assistance (IPA II) ⁽¹⁾, and in particular Article 12 thereof,

Whereas:

- (1) In accordance with Article 33 of Commission Implementing Regulation (EU) No 447/2014 ⁽²⁾, the rules applicable to the European territorial cooperation goal (ETC) provided for in Regulations (EU) No 1303/2013 ⁽³⁾ and (EU) No 1299/2013 ⁽⁴⁾ of the European Parliament and of the Council shall apply.
- (2) The implementation of cross-border cooperation programmes, both under the Instrument for Pre-accession Assistance (IPA II) and the ETC, has been affected by the consequences of the COVID-19 pandemic in an unprecedented manner. This has created an exceptional situation that needs to be addressed with specific measures. These measures should enable cross-border cooperation programmes under IPA II to contribute to respond to the rapidly emerging needs in a flexible and effective manner with regard to the most exposed sectors, such as healthcare, business including small and medium-sized enterprises and labour market, thus enhancing the socio-economic recovery in the programmes' areas.
- (3) The specific measures introduced by Regulations (EU) 2020/460 ⁽⁵⁾ and (EU) 2020/558 ⁽⁶⁾ of the European Parliament and of the Council apply to the cross-border cooperation programmes under ETC and to the cross-border cooperation programmes under IPA II, as far as Articles 33 to 48 of Implementing Regulation (EU) No 447/2014 refer to provisions amended by Regulations (EU) 2020/460 and (EU) 2020/558. However, it is appropriate to also amend certain provisions of Implementing Regulation (EU) No 447/2014 not covered by those specific measures.
- (4) With a view to alleviating the burden on public budgets responding to the COVID-19 pandemic, managing authorities should be given the exceptional possibility to request a co-financing rate of 100% to be applied for the accounting year 2020–2021, in accordance with budget appropriations and subject to available funding.

⁽¹⁾ OJ L 77, 15.3.2014, p. 11.

⁽²⁾ Commission Implementing Regulation (EU) No 447/2014 of 2 May 2014 on the specific rules for implementing Regulation (EU) No 231/2014 of the European Parliament and of the Council establishing an Instrument for Pre-accession Assistance (IPA II) (OJ L 132, 3.5.2014, p. 32).

⁽³⁾ Regulation (EU) No 1303/2013 of the European Parliament and of the Council of 17 December 2013 laying down common provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund, the European Agricultural Fund for Rural Development and the European Maritime and Fisheries Fund and laying down general provisions on the European Regional Development Fund, the European Social Fund, the Cohesion Fund and the European Maritime and Fisheries Fund and repealing Council Regulation (EC) No 1083/2006 (OJ L 347, 20.12.2013, p. 320).

⁽⁴⁾ Regulation (EU) No 1299/2013 of the European Parliament and of the Council of 17 December 2013 on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal (OJ L 347, 20.12.2013, p. 259).

⁽⁵⁾ Regulation (EU) 2020/460 of the European Parliament and of the Council of 30 March 2020 amending Regulations (EU) No 1301/2013, (EU) No 1303/2013 and (EU) No 508/2014 as regards specific measures to mobilise investments in the healthcare systems of Member States and in other sectors of their economies in response to the COVID-19 outbreak (Coronavirus Response Investment Initiative) (OJ L 99, 31.3.2020, p. 5).

⁽⁶⁾ Regulation (EU) 2020/558 of the European Parliament and of the Council of 23 April 2020 amending Regulation (EU) No 1303/2013 and Regulation (EU) No 1301/2013 as regards specific measures to provide exceptional flexibility for the use of the European Structural and Investments Funds in response to the COVID-19 outbreak (OJ L 130, 24.4.2020, p. 1).

- (5) In order to provide more flexibility in addressing the COVID-19 pandemic, more flexibility should be provided to Member States in programme implementation, and a simplified procedure not requiring a Commission decision should be provided for changes to cross-border cooperation programmes. The information to be submitted to the Commission about such changes should be clarified.
- (6) Given the urgency of the situation related to the COVID-19 pandemic, it is appropriate to allow for the prompt application of the measures provided for in this Regulation, which should therefore enter into force on the day following that of its publication in the *Official Journal of the European Union*.
- (7) Implementing Regulation (EU) No 447/2014 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the IPA II Committee established by Regulation (EU) No 231/2014,

HAS ADOPTED THIS REGULATION:

Article 1

Implementing Regulation (EU) No 447/2014 is amended as follows:

- (1) in Article 28, a new paragraph 2A is added:

'2A. By way of derogation to paragraph 2, at the request of the managing authority, a co-financing rate of 100% may be applied to expenditure declared in payment applications during the accounting year starting 1 July 2020 and ending 30 June 2021 for one or more priority axes.

Request for modification of the co-financing rate shall be submitted in accordance with the procedure for the amendment of programmes set out in Article 31(5A) and shall be accompanied by a revised programme. The co-financing rate of 100% shall apply only if the relevant amendment of the cooperation programme is approved by the Commission before the submission of the final application for an interim payment in accordance with Article 135(2) of Regulation (EU) No 1303/2013.

On the first day of the accounting year starting 1 July 2021 and ending 30 June 2022, the co-financing rate shall come back automatically to the level it was on the day when the request for modification of the co-financing rate, referred to in the second subparagraph, was submitted to the Commission.;

- (2) in Article 31, a new paragraph 5A is added:

'5A. By way of derogation to paragraph 5, for cross-border cooperation programmes under point (a) of Article 27, the managing authority may transfer during the programming period an amount of up to 8% of the allocation as of 1 February 2020 of a priority and no more than 4% of the programme budget to another priority of the same programme. Such transfers shall not affect previous years.

They shall be considered to be not substantial and shall not require a decision of the Commission amending the programme. They shall however comply with all regulatory requirements and shall be approved by the Joint monitoring committee in advance. The Member State shall notify the revised financing plan to the Commission.

Paragraphs 2 and 3 shall not apply to programme amendments under this paragraph.;

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 26 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/892**of 29 June 2020****concerning the non-renewal of the approval of the active substance beta-cyfluthrin, in accordance with Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market, and amending the Annex to Commission Implementing Regulation (EU) No 540/2011****(Text with EEA relevance)**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC ⁽¹⁾, and in particular Article 20(1) and Article 78(2) thereof,

Whereas:

- (1) Commission Directive 2003/31/EC ⁽²⁾ included beta-cyfluthrin as an active substance in Annex I to Council Directive 91/414/EEC ⁽³⁾.
- (2) Active substances included in Annex I to Directive 91/414/EEC are deemed to have been approved under Regulation (EC) No 1107/2009 and are listed in Part A of the Annex to Commission Implementing Regulation (EU) No 540/2011 ⁽⁴⁾.
- (3) The approval of the active substance beta-cyfluthrin as set out in Part A of the Annex to Implementing Regulation (EU) No 540/2011, expires on 31 October 2020.
- (4) An application for the renewal of the approval of the active substance beta-cyfluthrin was submitted in accordance with Article 1 of Commission Implementing Regulation (EU) No 844/2012 ⁽⁵⁾ within the time period provided for in that Article.
- (5) The applicants submitted the supplementary dossiers required in accordance with Article 6 of Implementing Regulation (EU) No 844/2012. The application was found to be complete by the rapporteur Member State.
- (6) The rapporteur Member State prepared a renewal assessment report in consultation with the co-rapporteur Member State and submitted it to the European Food Safety Authority ('the Authority') and the Commission on 8 March 2017.
- (7) The Authority communicated the renewal assessment report to the applicants and to the Member States for comments and forwarded the comments received to the Commission. The Authority also made the supplementary summary dossier available to the public.
- (8) On 9 August 2018, the Authority communicated to the Commission its conclusion ⁽⁶⁾ on whether beta-cyfluthrin can be expected to meet the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009.

⁽¹⁾ OJ L 309, 24.11.2009, p. 1.

⁽²⁾ Commission Directive 2003/31/EC of 11 April 2003 amending Council Directive 91/414/EEC to include 2,4-DB, beta-cyfluthrin, cyfluthrin, iprodione, linuron, maleic hydrazide and pendimethalin as active substances (OJ L 101, 23.4.2003, p. 3).

⁽³⁾ Council Directive 91/414/EEC of 15 July 1991 concerning the placing of plant protection products on the market (OJ L 230, 19.8.1991, p. 1).

⁽⁴⁾ Commission Implementing Regulation (EU) No 540/2011 of 25 May 2011 implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council as regards the list of approved active substances (OJ L 153, 11.6.2011, p. 1).

⁽⁵⁾ Commission Implementing Regulation (EU) No 844/2012 of 18 September 2012 setting out the provisions necessary for the implementation of the renewal procedure for active substances, as provided for in Regulation (EC) No 1107/2009 of the European Parliament and of the Council concerning the placing of plant protection products on the market (OJ L 252, 19.9.2012, p. 26).

⁽⁶⁾ EFSA (European Food Safety Authority), 2018. Conclusion on the peer review of the pesticide risk assessment of the active substance beta-cyfluthrin, *EFSA Journal* 2018;16(9):5405.

- (9) The Authority identified concerns. In particular, the Authority identified an unacceptable risk to workers loading and sowing the beet seeds treated with beta-cyfluthrin. In addition, for cases of potato and wheat field applications of beta-cyfluthrin the Authority identified high risk to residents, to non-target arthropods and to aquatic organisms. Furthermore, for the cases of use on tomatoes in greenhouses (permanent and non-permanent), the Authority identified unacceptable risk to operators and workers and, in case of use on tomatoes in non-permanent greenhouses, to non-target arthropods. In addition, the consumer risk assessment could not be finalised based on the available data.
- (10) The Commission invited the applicants to submit their comments on the conclusion of the Authority. Furthermore, in accordance with the third subparagraph of Article 14(1) of Implementing Regulation (EU) No 844/2012, the Commission invited the applicants to submit comments on the renewal report. The applicants submitted their comments, which have been carefully examined.
- (11) However, despite the arguments put forward by the applicants, the concerns regarding the active substance could not be eliminated.
- (12) Consequently, it has not been established with respect to one or more representative uses of at least one plant protection product that the approval criteria provided for in Article 4 of Regulation (EC) No 1107/2009 are satisfied. It is therefore appropriate not to renew the approval of the active substance beta-cyfluthrin in accordance with Article 20(1)(b) of that Regulation.
- (13) Implementing Regulation (EU) No 540/2011 should therefore be amended accordingly.
- (14) Member States should be provided with sufficient time to withdraw authorisations for plant protection products containing beta-cyfluthrin.
- (15) For plant protection products containing beta-cyfluthrin, where Member States grant any grace period in accordance with Article 46 of Regulation (EC) No 1107/2009, that period should not exceed 12 months from the date of entry into force of this Regulation
- (16) Commission Implementing Regulation (EU) 2019/1589 ⁽⁷⁾ extended the approval period of beta-cyfluthrin to 31 October 2020 in order to allow the renewal process to be completed before the expiry of that approval period. However, given that a decision on the non-renewal of the approval is taken ahead of the expiry of that extended approval period, this Regulation should apply as soon as possible.
- (17) This Regulation does not prevent the submission of a further application for the approval of beta-cyfluthrin pursuant to Article 7 of Regulation (EC) No 1107/2009.
- (18) The measures provided for in this Regulation are in accordance with the opinion of the Standing Committee on Plants, Animals, Food and Feed,

HAS ADOPTED THIS REGULATION:

Article 1

Non-renewal of the approval of the active substance

The approval of the active substance beta-cyfluthrin is not renewed.

Article 2

Amendment to Implementing Regulation (EU) No 540/2011

In Part A of the Annex to Implementing Regulation (EU) No 540/2011, row 48, on beta-cyfluthrin, is deleted.

⁽⁷⁾ Commission Implementing Regulation (EU) 2019/1589 of 26 September 2019 amending Implementing Regulation (EU) No 540/2011 as regards the extension of the approval periods of the active substances amidosulfuron, beta-cyfluthrin, bifentox, chlorotoluron, clofentezine, clomazone, cypermethrin, daminozide, deltamethrin, dicamba, difenoconazole, diflubenzuron, diflufenican, fenoxaprop-P, fenpropidin, fludioxonil, flufenacet, fosthiazate, indoxacarb, lenacil, MCPA, MCPB, nicosulfuron, picloram, prosulfocarb, pyriproxyfen, thiophanate-methyl, triflurosulfuron and tritosulfuron (OJ L 248, 27.9.2019, p. 24).

*Article 3***Transitional measures**

Member States shall withdraw authorisations for plant protection products containing beta-cyfluthrin as an active substance by 20 January 2021 at the latest.

*Article 4***Grace period**

Any grace period granted by Member States in accordance with Article 46 of Regulation (EC) No 1107/2009 shall expire by 20 July 2021 at the latest

*Article 5***Entry into force**

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

COMMISSION IMPLEMENTING REGULATION (EU) 2020/893**of 29 June 2020****amending Implementing Regulation (EU) 2015/2447 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 952/2013 of the European Parliament and of the Council of 9 October 2013 laying down the Union Customs Code ⁽¹⁾, and in particular Articles 8, 17, 50, 76, 132, 138, 143, 157, 161, 176, 193, 217, 232 and 268 thereof,

Whereas:

- (1) The practical implementation of Regulation (EU) No 952/2013 (the Code) in combination with Commission Implementing Regulation (EU) 2015/2447 ⁽²⁾ has shown that some amendments need to be made to that Implementing Regulation in order to better adjust it to the needs of economic operators and customs administrations as well as to take into account legislative developments and developments regarding the deployment of the electronic systems established for the purposes of the Code.
- (2) The Court of Justice of the European Union, in its judgement in case C-661/15 ⁽³⁾, declared invalid Article 145(3) of Commission Regulation (EEC) No 2454/93 ⁽⁴⁾, establishing a one-year limitation period to take into account adjustments in the price of defective goods for determining their customs value. According to the Court, on the basis of the Customs Code which was applicable at the time ⁽⁵⁾, the debtor could obtain repayment of import duties, proportionate to the reduction in the customs value resulting from the application of Article 145(2) of Regulation (EEC) No 2454/93, until expiry of a time-limit of three years from the communication of those duties to the debtor. However, Article 145(3) of Regulation (EEC) No 2454/93 reduced that possibility to a time-limit of 12 months since the adjustment to the customs value resulting from the application of Article 145(2) of that Regulation could be taken into account only if the adjustment was made within that 12-month time-limit. Article 145(3) of Regulation (EEC) No 2454/93 ran counter to Article 29 of the Customs Code, read in conjunction with Article 78 and Article 236(2) of that Code. It was therefore invalid. Regulations (EEC) No 2913/92 and (EEC) No 2454/93 are no longer in force, but point (c) of Article 132 of Implementing Regulation (EU) 2015/2447 also establishes a one-year limitation for adjusting the customs value of defective goods. It should therefore be deleted so that it is clear that the general time-limit of three years laid down in point (a) of Article 121(1) of the Code for claiming repayment or remission of overcharged duties also applies in relation to defective goods. For the sake of legal certainty, in order to clarify that the one-year limitation period should have never applied in these cases, point (c) of Article 132 of Implementing Regulation (EU) 2015/2447 should be deleted with retroactive effect from the entry into force of that Regulation.
- (3) Article 182 of Implementing Regulation (EU) 2015/2447 requires the use of an electronic information and communication system set up pursuant to Article 16(1) of the Code for the submission, processing, storage and exchange of information relating to entry summary declarations, and for the subsequent exchanges of relevant information. By Implementing Decision (EU) 2019/2151 ⁽⁶⁾, the Commission has decided to set up a new electronic

⁽¹⁾ OJ L 269, 10.10.2013, p. 1.

⁽²⁾ Commission Implementing Regulation (EU) 2015/2447 of 24 November 2015 laying down detailed rules for implementing certain provisions of Regulation (EU) No 952/2013 of the European Parliament and of the Council laying down the Union Customs Code (OJ L 343, 29.12.2015, p. 558).

⁽³⁾ Judgment of the Court of 12 October 2017 in C-661/15, X BV v Staatssecretaris van Financiën, ECLI:EU:C:2017:753.

⁽⁴⁾ Commission Regulation (EEC) No 2454/93 of 2 July 1993 laying down provisions for the implementation of Council Regulation (EEC) No 2913/92 establishing the Community Customs Code (OJ L 253, 11.10.1993, p. 1).

⁽⁵⁾ Council Regulation (EEC) No 2913/92 of 12 October 1992 establishing the Community Customs Code (OJ L 302, 19.10.1992, p. 1).

⁽⁶⁾ Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 325, 16.12.2019, p. 168).

system (ICS2) to support customs pre-arrival security and safety risk analysis and related controls, namely, the processing of the entry summary declaration particulars for customs risk analysis and control and the exchanges of information connected to it. Article 182 of Implementing Regulation (EU) 2015/2447 should therefore be amended to specify the purposes for which the ICS2 system is to be used, and also, in order to ensure harmonisation in the customs territory of the Union, to require economic operators to use a harmonised trader interface, designed by the Commission and the Member States, to submit the particulars of entry summary declarations to the customs authorities, and for the exchange of related information.

- (4) Article 183 of Implementing Regulation (EU) 2015/2447 sets out rules for lodging the particulars of the entry summary declaration, including the obligation of having them lodged by different persons in specific cases in accordance with Article 127(6) of the Code (multiple filing). The deployment of ICS2 in three releases (release 1, release 2 and release 3) will gradually allow multiple filing of particulars of the entry summary declaration to relevant transport sectors and business models. Article 183 of Implementing Regulation (EU) 2015/2447 should therefore be amended to clarify the rules applicable until ICS2 is fully in place. The point of departure is the situation under the existing Import Control System. Through that system, carriers in all transport modes (air, sea, inland waters, road and rail), including express carriers, must submit all the particulars of the entry summary declaration at once for goods for which there is no applicable waiver in Article 104 of Commission Delegated Regulation (EU) 2015/2446 ⁽⁷⁾. From the deployment of release 1 of the new electronic system, in the air transport mode, express carriers will in addition be required to lodge the minimum dataset for all consignments, regardless of their value, and postal operators will be required for the first time to lodge the minimum dataset, but only for goods in postal consignments having the Union as final destination. Pursuant to Article 106 of Delegated Regulation (EU) 2015/2446, until release 2 of the new system is deployed, that minimum dataset will be considered as the full entry summary declaration for goods in postal consignments and for goods in consignments not exceeding EUR 22. From the first day of the deployment window for release 2 of ICS2, multiple filing will be possible in air transport. Air carriers are to stop using the existing Import Control System and to progressively connect to the new ICS2, through which they must submit the relevant dataset with the particulars of the entry summary declaration. From the first day of the deployment for release 3 of the new system, multiple filing will be possible in the other transport modes. Carriers in those transport modes are to gradually connect to the new system. The Member States will determine the date as of which the economic operators are obliged to use the different releases of the new system in accordance with paragraph 6 of Part I of the Annex to Implementing Decision (EU) 2019/2151, within the deployment windows set out therein. Article 183 should also be amended to clarify the rules applicable to determine the customs office of first entry where the person filing the particulars of the entry summary declaration does not know the place of first arrival in the Union of the means of transport carrying the goods.
- (5) The obligations of information about the particulars of the entry summary declaration by persons other than the carrier should apply as the three releases of the new system are deployed. Accordingly, the general reference to the deployment of the Import Control System in Article 184 of Implementing Regulation (EU) 2015/2447 should be replaced by more specific references to the three releases of ICS2. The obligation to inform on goods transported by sea should apply from the moment the carrier is obliged to use release 3 of the new system. The obligation to inform on goods transported by air or by post should apply from the moment the carrier is obliged to use release 2 of the new system.
- (6) The obligation of the customs authorities to register the submission of particulars of the entry summary declaration and inform on that registration should also reflect the different releases of ICS2. Accordingly, the general reference to the deployment of the Import Control System in Article 185 of Implementing Regulation (EU) 2015/2447 should be replaced by more specific references to the three releases of the new system. The customs authorities should register and notify the registration of particulars of the entry summary declaration from the first day of the deployment window of release 1 of ICS2. After the deployment of release 2 of that new system, multiple filing will be available in certain situations and therefore Article 185 should also state that, from that date onwards, the customs authorities should be required to immediately notify the carrier about the registration of the particulars of the entry summary declaration by other economic operators, if the carrier has requested to be notified.

⁽⁷⁾ Commission Delegated Regulation (EU) 2015/2446 of 28 July 2015 supplementing Regulation (EU) No 952/2013 of the European Parliament and of the Council as regards detailed rules concerning certain provisions of the Union Customs Code (OJ L 343, 29.12.2015, p. 1).

- (7) Article 186 of Implementing Regulation (EU) 2015/2447 should clarify the time limits for the risk analysis on the basis of the particulars of the entry summary declaration and the necessary measures to be taken in the context of risk analysis. Article 186 of Implementing Regulation (EU) 2015/2447 should provide that, as a general principle, the customs office of first entry, after having received the entry summary declaration on time, must complete the risk analysis before the goods arrive in the customs territory of the Union. However, this time limit should be shorter for goods brought by air. The customs office of first entry should be required to complete the risk analysis on those goods as soon as possible after having received the minimum dataset of the entry summary declaration. In addition, for the purpose of ensuring uniform application of customs controls, Article 186 should also be amended to define the steps that the customs office of first entry is to follow to complete the risk analysis on the basis of the particulars of the entry summary declaration. In particular, on the basis of Articles 46, 47 and 128 of the Code, the customs office of first entry is to exchange information with the Member States indicated in those particulars and with the Member States that have recorded in ICS2 information relating to security and safety risks matching the particulars of the entry summary declaration, requiring those other customs authorities to carry out a risk analysis and to make certain results of that risk analysis available.
- (8) Article 186 of Implementing Regulation (EU) 2015/2447 should also be amended to entitle the customs office of first entry to recommend, following the completion of risk analysis, the most appropriate place and measures to perform controls on the goods. The customs office competent for the place that has been recommended as the most appropriate for the control should have the possibility to choose whether it will follow the recommendation, but should be in any event required to inform the customs office of entry whether or not there has been a control and, in the affirmative, of the results of that control. In addition, it is appropriate to establish a procedural rule pursuant to which the customs authorities are to use ICS2 to inform of the risk assessments and control results in the cases provided in Article 46(5) of the Code or for any other exchange of control results pursuant to Article 47 (2) of the Code. Furthermore, the obligation to carry out risk analysis upon the presentation of the goods should be extended to cover more cases in which the obligation to lodge an entry summary declaration is waived in accordance with Delegated Regulation (EU) 2015/2446.
- (9) The title in Article 187 of Implementing Regulation (EU) 2015/2447 should be amended to reflect that the rules therein are transitional because they only apply until ICS2 is deployed. Until the new system is available, the customs authorities should be required to carry out their risk analysis based on the information in the existing Import Control System. Article 187 of Implementing Regulation (EU) 2015/2447 should state that the existing Import Control System is to be used until the various dates of deployment of the new system. The references to the Delegated Regulation (EU) 2015/2446 in paragraph 5 of Article 187 of Implementing Regulation (EU) 2015/2447 also should be updated. The rules on the impossibility to release the goods before the risk analysis has been carried out and on how to carry the risk analysis after amendment of the entry summary declaration should also apply during the transitional period and should therefore be added to Article 187 of Implementing Regulation (EU) 2015/2447.
- (10) The procedural rules to amend or invalidate the entry summary declaration set out in Article 188 of Implementing Regulation (EU) 2015/2447 should distinguish between the new ICS2 and the existing Import Control System. The new system should be used for filing requests to amend or to invalidate an entry summary declaration. However, Member States should have the possibility to allow submitting requests in paper format for amending or invalidating declarations that were lodged using the existing Import Control System.
- (11) Article 189 of Implementing Regulation (EU) 2015/2447 should be amended to distinguish the rules for diversion of aircrafts and vessels applicable under the existing Import Control System and the ones to be applied under the new electronic system ICS2.
- (12) Following the introduction of the EU Form 302 in Article 1(51) of Delegated Regulation (EU) 2015/2446, Article 207 of Implementing Regulation (EU) 2015/2447 should be amended in order to allow the use of EU form 302 as a proof of the customs status of Union goods.
- (13) Following the amendment to Article 141 of Delegated Regulation (EU) 2015/2446 on acts deemed to be a customs declaration, Article 218 of Implementing Regulation (EU) 2015/2447 should be amended accordingly to clarify in which cases certain customs formalities at entry or exit are also deemed to have been carried out by the act deemed to be a customs declaration.

- (14) Following the introduction, in Article 141(3) of Delegated Regulation (EU) 2015/2446, of a transitional rule for declaring postal consignments by their presentation to customs until the deployment of release 1 of ICS2 to support customs pre-arrival security and safety risk analysis and related controls, Article 220 of Implementing Regulation (EU) 2015/2447 should clarify that the specific rules on acceptance and release of the postal consignments are also transitional.
- (15) Procedural rules should be created for the use of both NATO form 302 and EU form 302 for customs procedures other than transit. New Articles 220a and 220b should therefore be inserted in Implementing Regulation (EU) 2015/2447. In order to ensure the smooth functioning of the procedural rules, Article 221 of that Regulation should require the Member States customs authorities to designate the customs office or offices responsible for customs formalities and controls concerning goods to be moved or used under cover of either NATO form 302 or EU form 302.
- (16) Article 221 of Implementing Regulation (EU) 2015/2447 should also be amended to clarify that the customs office situated in the Member State where the dispatch or the transport of the goods ends is to be the customs office competent for declaring for import certain duty-free goods, if those goods are declared for VAT purposes under a scheme other than the special scheme for distance sales of goods imported from third territories or third countries, so-called Import One Stop Shop, set out in Title XII Chapter 6 Section 4 of Council Directive 2006/112/EC⁽⁸⁾. The objective is to ensure that the VAT rate of the Member State of destination or of consumption of the goods is charged on these goods.
- (17) Article 271 of Implementing Regulation (EU) 2015/2447 should be amended to enhance the harmonised use of the electronic system for the standardised exchange of information (INF). To establish a uniform procedure for the economic operators to introduce the data elements required into this system, a harmonised trader interface should be used by the concerned economic operators.
- (18) Following the introduction of Member States' obligation to designate a customs office responsible for all customs formalities and controls concerning goods to be moved or used under cover of either NATO form 302 or EU form 302 in Article 221 of Implementing Regulation (EU) 2015/2447, Article 285 of that Regulation, providing for the same obligation but for transit only, becomes redundant and should be deleted. In addition, the provisions concerning the supply of NATO forms 302, as well as the procedural rules applying to the use of such forms, should be extended to transit movements under cover of EU form 302. Articles 285, 286 and 287 of Regulation (EU) 2015/2447 should therefore be amended, and new provisions should be inserted.
- (19) Article 321 of Implementing Regulation (EU) 2015/2447 should be amended to clarify the end of the Union transit procedure for goods entering the customs territory of the Union through a fixed transport installation, as well as to clarify the legal situation of such goods once the Union transit procedure has ended.
- (20) Implementing Regulation (EU) 2015/2447 should be amended in order to introduce the possibility for a special discharge of the temporary admission procedure for goods that have been consumed or destroyed during military activities.
- (21) According to Article 324(1) of Implementing Regulation (EU) 2015/2447, economic operators may benefit from the simplified discharge of the inward processing IM/EX procedure because processed products are regarded as re-exported. However, in cases where non-Union goods placed under the inward processing IM/EX procedure would be subject to, inter alia, a commercial policy measure if they were declared for release for free circulation, such simplified discharge is not allowed. Some commercial policy measures are established for purposes of prior Union surveillance, which only apply in case of release for free circulation. Such measures affecting the application of Article 324(1) of Implementing Regulation (EU) 2015/2447 are established in Commission Implementing Regulation (EU) 2016/670⁽⁹⁾ in respect of imports of certain iron and steel products, and in Commission

⁽⁸⁾ Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).

⁽⁹⁾ Commission Implementing Regulation (EU) 2016/670 of 28 April 2016 introducing prior Union surveillance of imports of certain iron and steel products originating in certain third countries (OJ L 115, 29.4.2016, p. 37).

Implementing Regulation (EU) 2018/640 ⁽¹⁰⁾ in respect of imports of certain aluminium products. Economic operators should be allowed to benefit from the simplification established in Article 324(1) of Implementing Regulation (EU) 2015/2447 with retroactive effect as of 3 years before the entry into force of this amendment subject to the condition that they provide the data elements as required by the relevant surveillance measures. Article 324(2) of Implementing Regulation (EU) 2015/2447 should be therefore amended accordingly.

- (22) In order to ensure that the export procedure of goods moved through fixed installations is complete, Article 331 of Implementing Regulation (EU) 2015/2447 should clarify when those goods are deemed to have been presented to customs.
- (23) Annex 23-02 to Implementing Regulation (EU) 2015/2447 contains specific CN codes and descriptions of products that are no longer in use, due to changes in the Common Customs Tariff ⁽¹¹⁾. An update of the Annex 23-02 is therefore necessary, in particular taking into account that it is the first update since 1 May 2016, when the Union Customs Code, Delegated Regulation (EU) 2015/2446 and Implementing Regulation (EU) 2015/2447 started to apply.
- (24) In order to allow for more flexibility in the business continuity procedure in transit and reduce the formalities and costs incurred by the customs authorities, the validity of the paper comprehensive guarantee certificates and guarantee waiver certificates provided for in Annex 72-04 to Implementing Regulation (EU) 2015/2447 should be prolonged.
- (25) The measures provided for in this Regulation are in accordance with the opinion of the Customs Code Committee,

HAS ADOPTED THIS REGULATION:

Article 1

Amendments to Implementing Regulation (EU) 2015/2447

Implementing Regulation (EU) 2015/2447 is amended as follows:

- (1) In Article 132, point (c) is deleted.
- (2) Articles 182 to 186 are replaced by the following:

Article 182

Electronic system relating to entry summary declarations

(Article 16 of the Code)

1. An electronic system set up pursuant to Article 16(1) of the Code shall be used for:
- (a) submitting, processing and storing the particulars of the entry summary declarations and other information relating to those declarations, relating to customs risk analysis for security and safety purposes, including the support of aviation security, and relating to the measures that must be taken based on the results of that analysis;
- (b) exchanging information concerning the particulars of the entry summary declaration and results of risk analysis of entry summary declarations, concerning other information necessary to perform that risk analysis, and concerning measures undertaken on the basis of risk analysis, including recommendations on places of control and the results of those controls;
- (c) exchanging information for monitoring and evaluating the implementation of the common safety and security risk criteria and standards and of the control measures and priority control areas referred to in Article 46(3) of the Code.

⁽¹⁰⁾ Commission Implementing Regulation (EU) 2018/640 of 25 April 2018 introducing prior Union surveillance of imports of certain aluminium products originating in certain third countries (OJ L 106, 26.4.2018, p. 7).

⁽¹¹⁾ Council Regulation (EEC) No 2658/87 of 23 July 1987 on the tariff and statistical nomenclature and on the Common Customs Tariff (OJ L 256, 7.9.1987, p. 1).

The development and release dates of the sequenced deployment of the system are set out in the project UCC Import Control System 2 (ICS2) in the Annex to Commission Implementing Decision (EU) 2019/2151 (*).

1a. Economic operators shall use an EU harmonised trader interface, designed by the Commission and the Member States in agreement with each other, for submissions, requests for amendments, requests for invalidations, processing and storage of the particulars of entry summary declarations and for the exchange of related information with the customs authorities.

2. By way of derogation from paragraph 1 of this Article, until the dates of the deployment of the electronic system referred to therein in accordance with the Annex to Implementing Decision (EU) 2019/2151, the electronic system for the lodging and exchange of information relating to entry summary declarations laid down in Regulation (EEC) No 2454/93 shall be used in accordance with Articles 185(1), 187 and 188(3) of this Regulation.

Article 183

Lodging of an entry summary declaration

(Article 127(4), (5) and (6) of the Code)

1. Where none of the waivers from the obligation to lodge an entry summary declaration in Article 104 of Delegated Regulation (EU) 2015/2446 applies, the particulars of the entry summary declaration shall be provided as follows for goods transported by air:

(a) air carriers shall lodge a full entry summary declaration through the electronic system referred to in Article 182(2) until the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for the release 2 of the electronic system referred to in Article 182(1) of this Regulation;

(b) express carriers shall lodge the following:

— where the intrinsic value of the consignment exceeds EUR 22, a full entry summary declaration through the electronic system referred to in Article 182(2) until the date set out in the Annex to Implementing Decision (EU) 2019/2151 as start date of the deployment window of release 2 of the electronic system referred to in Article 182(1) of this Regulation;

— for all consignments, the minimum dataset referred to in Article 106(2) of Delegated Regulation (EU) 2015/2446 through the electronic system referred to in Article 182(1) of this Regulation from the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for the release 1 of that system;

(c) postal operators shall lodge the minimum dataset referred to in Article 106(2) of Delegated Regulation (EU) 2015/2446 for consignments having a Member State as final destination, through the electronic system referred to in Article 182(1) of this Regulation, from the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for the release 1 of that system;

(d) by the submission of one or more dataset through the electronic system referred to in Article 182(1) of this Regulation, from the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for the deployment of release 2 of that system;

1a. Where none of the waivers from the obligation to lodge an entry summary declaration in Article 104 of Delegated Regulation (EU) 2015/2446 applies, for goods transported by sea, inland waterways, road or rail, the particulars of the entry summary declaration shall be provided as follows:

(a) by lodging the full entry summary declaration through the electronic system referred to in Article 182(2), until the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for the deployment of release 3 of the electronic system referred to in Article 182(1) of this Regulation;

(b) by the submission of one or more dataset through the electronic system referred to in Article 182(1) of this Regulation, from the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for the deployment of release 3 of that system.

2. Where the entry summary declaration is lodged by the submission of more than one dataset, or by the submission of the minimum dataset referred to in Article 106(2) and (2a) of Delegated Regulation (EU) 2015/2446, the person submitting the partial or minimum dataset shall do so to the customs office that, according to his/her knowledge, should be the customs office of first entry. If that person does not know the place in the customs territory of the Union at which the means of transport carrying the goods is expected to first arrive, the customs office of first entry may be determined based on the place to which the goods are consigned.

*Article 184***Obligations to inform relating to the provision of particulars of the entry summary declaration by persons other than the carrier**

(Article 127(6) of the Code)

1. From the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for deployment of release 3 of the electronic system referred to in Article 182(1) of this Regulation, in the cases referred to in Article 112(1) of Delegated Regulation (EU) 2015/2446, the carrier and any of the persons issuing a bill of lading shall provide, in the particulars of the entry summary declaration, the identity of any person that has concluded a transport contract with them and has not provided them with the particulars required for the entry summary declaration.

Where the consignee indicated in the bill of lading as not having underlying bills of lading does not make the required particulars available to the person issuing the bill of lading, that person shall provide the identity of the consignee in the particulars of the entry summary declaration.

2. From the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for deployment of release 3 of the electronic system referred to in Article 182(1) of this Regulation, in the cases referred to in Article 112(1) of Delegated Regulation (EU) 2015/2446, the person issuing the bill of lading shall inform the person that concluded a transport contract with him about the issuance of that bill of lading.

In the case of a goods co-loading arrangement, the person issuing the bill of lading shall inform the person with whom he entered into that arrangement of the issuance of that bill of lading.

3. From the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for deployment of release 2 of the system referred to in Article 182(1) of this Regulation, in the cases referred to in Article 113(1) of Delegated Regulation (EU) 2015/2446, the carrier and any of the persons issuing an air waybill shall provide, in the particulars of the entry summary declaration, the identity of any person that has concluded a transport contract with them, or issued an air waybill in respect of the same goods, and did not make the particulars required for the entry summary declaration available to them.

4. From the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for deployment of release 2 of the electronic system referred to in Article 182(1) of this Regulation, in the cases referred to in Article 113(1) of Delegated Regulation (EU) 2015/2446, the person issuing an air waybill shall inform the person who concluded a transport contract with him of the issuance of that air waybill.

In the case of a goods co-loading arrangement, the person issuing the airway bill shall inform the person with whom he entered into that arrangement of the issuance of that airway bill.

5. From the date set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for deployment of release 2 of the electronic system referred to in Article 182(1) of this Regulation, in the cases referred to in Article 113a(2) and (3) of Delegated Regulation (EU) 2015/2446, the carrier shall provide, in the particulars of the entry summary declaration, the identity of the postal operator or express carrier that does not make the particulars required for the entry summary declaration available to him.

*Article 185***Registration of the entry summary declaration**

(Article 127(1) of the Code)

1. The customs authorities shall register the entry summary declaration upon its receipt and shall immediately notify the declarant or his/her representative of its registration and shall communicate a MRN of the entry summary declaration and the date of registration to that person.

2. From the date set out in the Annex to Implementing Decision (EU) 2019/2151 as start date of the deployment window of release 1 of the electronic system referred to Article 182(1) of this Regulation, where the particulars of the entry summary declaration are provided by the submission of at least the minimum dataset referred to in Article 106(2) and (2a) of Delegated Regulation (EU) 2015/2446 or by the submission of more than one dataset, the customs authorities shall:

(a) register each of those submissions of particulars of the entry summary declaration upon receipt;

- (b) immediately notify the person that submitted the dataset about the registration;
- (c) communicate the MRN of each submission and the date of registration of each submission to that person.

3. The customs authorities shall immediately notify the carrier of the registration, provided that the carrier has requested to be notified and has access to the electronic systems referred to in Article 182 of this Regulation, in any of the following cases:

- (a) where the entry summary declaration is lodged by a person referred to in the second subparagraph of Article 127(4) of the Code;
- (b) where particulars of the entry summary declaration are provided in accordance with Article 127(6) of the Code.

4. The obligation to inform the carrier in the cases referred to in point (b) of paragraph 3 shall apply from the date set out in the Annex to Implementing Decision (EU) 2019/2151 as start date of the deployment window of release 2 of the electronic system referred to in Article 182(1) of this Regulation, provided that the carrier has access to that system.

Article 186

Risk analysis and controls relating to the entry summary declarations

(Articles 46(3) and (5), 47(2) and 128 of the Code)

1. Risk analysis shall be completed before the arrival of the goods at the customs office of first entry, provided that the entry summary declaration has been lodged within the time limits laid down in Articles 105 to 109 of Delegated Regulation (EU) 2015/2446, unless a risk is identified or an additional risk analysis needs to be carried out.

Without prejudice to the first subparagraph, a first risk analysis on goods to be brought into the customs territory of the Union by air shall be carried out as soon as possible upon receipt of the minimum dataset of the entry summary declaration referred to in Article 106(2) and (2a) of Delegated Regulation (EU) 2015/2446.

2. The customs office of first entry shall complete the risk analysis primarily for security and safety purposes after the following exchange of information through the system referred to in Article 182(1):

- (a) Immediately after registration, the customs office of first entry shall make the particulars of the entry summary declaration available to the customs authorities of the Member States indicated in those particulars and to the customs authorities of the other Member States that have recorded in the system information relating to security and safety risks that matches particulars of that entry summary declaration.
- (b) Within the time-limits laid down in Articles 105 to 109 of Delegated Regulation (EU) 2015/2446, the customs authorities of the Member States referred to in point (a) of this paragraph shall perform a risk analysis primarily for security and safety purposes and, if they identify a risk, they shall make the results available to the customs office of first entry.
- (c) The customs office of first entry shall take into account the information on risk analysis results provided by the customs authorities of Member States referred in point (a) to complete the risk analysis.
- (d) The customs office of first entry shall make the results of the completed risk analysis available to the customs authorities of the Member States that contributed to the risk analysis and to those that are potentially concerned by the movement of the goods.
- (e) The customs office of first entry shall notify the completion of the risk analysis to the following persons, provided that they have requested to be notified and have access to the electronic system referred to in Article 182(1):
 - (i) the declarant or his/her representative;
 - (ii) the carrier, if different from the declarant and his/her representative.

3. Where the customs office of first entry requires further information on the particulars of the entry summary declaration for the completion of the risk analysis, that analysis shall be completed after that information has been provided.

For those purposes, the customs office of first entry shall request that information from the person that lodged the entry summary declaration or, where applicable, the person that submitted the particulars of the entry summary declaration. Where that person is different from the carrier, the customs office of first entry shall inform the carrier, provided that the carrier has requested to be notified and has access to the electronic system referred to in Article 182(1).

4. Where the customs office of first entry has reasonable grounds to suspect that goods brought by air could pose a serious aviation security threat, it shall require that the consignment, before being loaded on an aircraft bound for the customs territory of the Union, be screened as High Risk Cargo and Mail in accordance with point 6.7 of the Annex to Commission Implementing Regulation (EU) 2015/1998 (**) and point 6.7.3 of the Annex to Commission Implementing Decision C(2015)8005 final of 16 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security containing information, as referred to in point (a) of Article 18 of Regulation (EC) No 300/2008.

The customs office of first entry shall notify the following persons, provided that they have access to the electronic system referred to in Article 182(1) of this Regulation:

- (a) the declarant or his/her representative;
- (b) the carrier, if different from the declarant and his/her representative.

Following that notification, the person who lodged the entry summary declaration, or where applicable, the person that submitted the particulars of the entry summary declaration shall provide the customs office of first entry with the results of that screening and with all other related relevant information. The risk analysis shall only be completed after that information has been provided.

5. Where the customs office of first entry has reasonable grounds to consider that goods brought by air or containerised cargo brought by sea, as referred to in Article 105(a) of Delegated Regulation (EU) 2015/2446, would pose such a serious threat to security and safety that immediate action is required, it shall direct that the goods not be loaded on the relevant means of transport.

The customs office of first entry shall notify the following persons, provided that they have access to the electronic system referred to in Article 182(1) of this Regulation:

- (a) the declarant or his/her representative;
- (b) the carrier, if different from the declarant and his/her representative.

That notification shall be made immediately after the detection of the relevant risk and, in the case of containerised cargo brought by sea as referred to in Article 105(a) of Delegated Regulation (EU) 2015/2446, at the latest within 24 hours of the receipt of the entry summary declaration or, where applicable, of the particulars of the entry summary declaration by the carrier.

The customs office of first entry shall also immediately inform the customs authorities of all Member States of that notification and make the relevant particulars of the entry summary declaration available to them.

6. Where a consignment has been identified as posing a threat of such nature that immediate action is required upon arrival of the means of transport, the customs office of first entry shall take that action upon arrival of the goods.

7. After completing the risk analysis, the customs office of first entry may recommend, through the electronic system referred to in Article 182(1), the most appropriate place and measures to carry out a control.

The customs office competent for the place that has been recommended as the most appropriate for control shall decide on the control and shall make through the electronic system referred to in Article 182(1) the results of that decision available to all the customs offices potentially concerned by the movement of goods, at the latest at the moment of presentation of the goods at the customs office of first entry.

7a. In the cases referred to in Article 46(5) and Article 47(2) of the Code, the customs offices shall make the results of their customs controls available to other customs authorities of the Member States through the electronic system referred to in Article 182(1) of this Regulation, and shall exchange risk relevant information through the system referred in Article 36 of this Regulation.

8. Where goods for which the obligation to lodge an entry summary declaration is waived in accordance with points (c) to (k), (m) and (n) of Article 104(1) and Article 104(2) to (4) of Delegated Regulation (EU) 2015/2446 are brought into the customs territory of the Union, the risk analysis shall be carried out upon the presentation of the goods.

9. Goods presented to customs may be released for a customs procedure or re-exported as soon as the risk analysis has been carried out, and the results of the risk analysis and, where required, the measures taken, allow such a release.

10. Risk analysis shall also be carried out if the particulars of the entry summary declaration are amended in accordance with Article 129 of the Code. In that case, without prejudice to the time-limit laid down in the third subparagraph of paragraph 5 of this Article for containerised cargo brought by sea, the risk analysis shall be completed immediately upon receipt of the particulars unless a risk is identified or an additional risk analysis needs to be carried out.

(*) Commission Implementing Decision (EU) 2019/2151 of 13 December 2019 establishing the work programme relating to the development and deployment of the electronic systems provided for in the Union Customs Code (OJ L 325, 16.12.2019, p. 168).

(**) Commission Implementing Regulation (EU) 2015/1998 of 5 November 2015 laying down detailed measures for the implementation of the common basic standards on aviation security (OJ L 299 14.11.2015, p. 1):.

(3) Article 187 is amended as follows:

(a) the title and paragraph 1 are replaced by the following:

'Article 187

Transitional rules for risk analysis

(Article 128 of the Code)

1. By way of derogation from Article 186 of this Regulation, until the dates set out in accordance with the Annex to Implementing Decision (EU) 2019/2151 for deployment of the electronic system referred to in Article 182(1) of this Regulation, the risk analysis shall be based on the information in the entry summary declarations lodged and exchanged in the electronic system referred in Article 182(2) of this Regulation, in accordance with the rules in this Article:.

(b) Paragraph 5 is replaced by the following:

'5. Where goods for which the obligation to lodge an entry summary declaration is waived in accordance with points (c) to (k), (m) and (n) of Article 104(1) and Article 104(2) to (4) of Delegated Regulation (EU) 2015/2446 are brought into the customs territory of the Union, the risk analysis shall be carried out upon presentation of the goods, where available, on the basis of the temporary storage declaration or the customs declaration covering those goods.'

(c) The following paragraphs 6 and 7 are added:

'6. Goods presented to customs may be released for a customs procedure or re-exported as soon as the risk analysis has been carried out and the results of the risk analysis and, where required, the measures taken, allow such a release.

7. Risk analysis shall also be carried out if the particulars of the entry summary declaration are amended in accordance with Article 129 of the Code. In that case, without prejudice to the time-limit laid down in paragraph 3 of this Article for containerised cargo brought by sea, the risk analysis shall be completed immediately upon receipt of the particulars unless a risk is identified or an additional risk analysis needs to be carried out.'

(4) Articles 188 and 189 are replaced by the following:

'Article 188

Amendment and invalidation of an entry summary declaration

(Article 129(1) of the Code)

1. The electronic system referred to in Article 182(1) shall be used for lodging a request for amendment or invalidation of an entry summary declaration or of the particulars therein.

Where different persons request an amendment or an invalidation of the particulars of the entry summary declaration, each of those persons shall only be permitted to request the amendment or invalidation of the particulars that he/she submitted.

2. The customs authorities shall immediately notify the person who lodged the request for amendment or invalidation of their decision to register it or reject it.

Where the amendments to or invalidation of the particulars of the entry summary declaration are lodged by a person different from the carrier, the customs authorities shall also notify the carrier, provided that the carrier has requested to be notified and has access to the electronic system referred to in Article 182(1).

3. By way of derogation from paragraph 1 of this Article, Member States may allow that requests for amending or invalidating the particulars of an entry summary declaration that has been lodged using the electronic system referred to in Article 182(2) are made using means other than the electronic data-processing techniques referred to in Article 6 (1) of the Code.

Article 189

Diversion of a sea-going vessel or aircraft entering the custom territory of the Union

(Article 133 of the Code)

1. Where, after having lodged the entry summary declaration through the electronic system referred to in Article 182(2), a sea-going vessel or an aircraft is diverted and is expected to arrive in the first place at a customs office located in a Member State that was not indicated as a country of routing in the entry summary declaration, the operator of that means of transport shall inform the customs office indicated as the customs office of first entry in the entry summary declaration of that diversion and shall lodge the arrival notification to the actual customs office of first entry.

The first subparagraph of this Article shall not apply where goods have been brought into the customs territory of the Union under a transit procedure in accordance with Article 141 of the Code.

2. The customs office indicated in the entry summary declaration as the customs office of first entry shall immediately after being informed in accordance with paragraph 1 notify the customs office which according to that information is the customs office of first entry of the diversion. It shall ensure the availability of the relevant particulars of the entry summary declaration and of the results of the risk analysis to the customs office of first entry.

3. From the date set out in the Annex to Implementing Decision (EU) 2019/2151 as start date of the deployment window of release 2 of the electronic system referred to in Article 182(1) of this Regulation, where an aircraft is diverted and has arrived in the first place at a customs office located in a Member State that was not indicated as a country of routing in the entry summary declaration, the actual customs office of first entry shall, through that system, retrieve the particulars of the entry summary declaration, the risk-analysis results and the control recommendations made by the expected customs office of first entry.

4. From the date set out in the Annex to Implementing Decision (EU) 2019/2151 as start date of the deployment window of release 3 of the electronic system referred to in Article 182(1) of this Regulation, where a sea-going vessel is diverted and has arrived in the first place at a customs office located in a Member State that was not indicated as a country of routing in the entry summary declaration, the actual customs office of first entry shall, through that system, retrieve the particulars of the entry summary declaration, the risk-analysis results and the control recommendations made by the expected customs office of first entry.’

(5) Article 207 is replaced by the following:

‘Article 207

Proof of the customs status of Union goods in TIR or ATA carnets or forms 302

(Article 6(3) and 153(2) of the Code)

1. In accordance with Article 127 of Delegated Regulation (EU) 2015/2446, Union goods shall be identified in the TIR or ATA carnet or in the NATO form 302 or in the EU form 302 by the code “T2L” or “T2LF”. The holder of the procedure may include one of those codes, as appropriate, accompanied by his signature in the relevant documents in the space reserved for the description of goods before presenting it to the customs office of departure for authentication. The appropriate code “T2L” or “T2LF” shall be authenticated with the stamp of the customs office of departure accompanied by the signature of the competent official.

In case of an electronic NATO form 302 or an electronic EU form 302, the holder of the procedure may also include one of these codes in the form 302 data. In that case, the authentication by the office of departure shall be done in electronic form.

2. When the TIR carnet, the ATA carnet, the NATO form 302 or the EU form 302 covers both Union goods and non-Union goods, they shall be listed separately and the code “T2L” or “T2LF”, as appropriate, shall be entered in such a way that it clearly relates only to Union goods.’

- (6) In Article 218, the title and the introductory sentence are replaced by the following:

Article 218

Customs formalities deemed to have been carried out by an act referred to in Article 141(1), (2), (4), (4a), (5) and (6) to (8) of Delegated Regulation (EU) 2015/2446

(Articles 6(3)(a), 139, 158(2), 172, 194 and 267 of the Code)

For the purposes of Articles 138, 139 and 140 of Delegated Regulation (EU) 2015/2446, the following customs formalities, as applicable, shall be deemed to have been carried out by an act referred to in Article 141(1), (2), (4), (4a), (5), and (6) to (8) of that Delegated Regulation:’

- (7) Article 220 is replaced by the following:

Article 220

Transitional rules for goods in postal consignments

(Articles 158(2), 172 and 194 of the Code)

1. For the purposes of Article 138 of Delegated Regulation (EU) 2015/2446, the customs declaration for goods referred to in Article 141(3) of that Delegated Regulation shall be considered to have been accepted and the goods released when the goods are delivered to the consignee.

2. Where it has not been possible to deliver the goods to the consignee, the customs declaration shall be deemed not to have been lodged.

The goods which have not been delivered to the consignee shall be deemed to be in temporary storage until they are destroyed, re-exported or otherwise disposed in accordance with Article 198 of the Code.’

- (8) The following Articles 220a and 220b are inserted:

Article 220a

Procedural rules applying to the use of NATO form 302 for customs procedures other than transit

(Articles 6(3) and 158(2) of the Code)

1. The customs office designated by the Member State where the military activity on the customs territory of the Union starts shall supply the NATO forces stationed in its territory with NATO forms 302 which:

- (a) are pre-authenticated with the stamp and signature of an official of that office;
- (b) are serially numbered;
- (c) bear the full address of that designated customs office for the return copy of the NATO form 302.

2. At the time of dispatch of the goods, the NATO forces shall do either of the following:

- (a) lodge the NATO form 302 data electronically at the designated customs office;
- (b) complete the NATO form 302 with a statement that the goods are being moved under their control and authenticate this statement by their signature, stamp and date.

3. Where the NATO forces proceed in accordance with point (b) of paragraph 2, they shall, without delay, provide a copy of the NATO form 302 to the customs office designated as responsible for the customs formalities and controls pertaining to the NATO forces dispatching the goods or on whose behalf the goods are being dispatched.

The other copies of the NATO form 302 shall accompany the consignment to the NATO forces of destination, which shall stamp and sign them upon arrival of the goods.

At the time of arrival of the goods, two copies of the form shall be given to the customs office designated as responsible for the customs formalities and controls pertaining to the NATO forces of destination.

That designated customs office shall retain one copy and shall return the second copy to the customs office responsible for customs formalities and controls pertaining to the NATO forces dispatching the goods or on whose behalf the goods are being dispatched.

Article 220b

Procedural rules applying to the use of EU form 302 for customs procedures other than transit

(Articles 6(3) and 158(2) of the Code)

1. The customs office designated by the Member State where the military activity on the customs territory of the Union starts shall supply the military forces of a Member State stationed in its territory with EU forms 302 which:

- (a) are pre-authenticated with the stamp and signature of an official of that office;
- (b) are serially numbered;
- (c) bear the full address of that designated customs office for the return copy of the EU form 302.

2. At the time of dispatch of the goods, the military forces of the Member State shall do either of the following:

- (a) lodge the EU form 302 data electronically at the designated customs office;
- (b) complete the EU form 302 with a statement that the goods are being moved under their control and authenticate this statement by their signature, stamp and date.

3. Where the military forces of the Member State proceed in accordance with point (b) of paragraph 2, they shall provide, without delay, a copy of the EU form 302, to the customs office designated as responsible for the customs formalities and controls pertaining to the military forces of the Member State dispatching the goods or on whose behalf the goods are being dispatched.

The other copies of the EU form 302 shall accompany the consignment to the military forces of the Member State of destination, which shall stamp and sign them upon arrival of the goods.

At the time of arrival of the goods, two copies of the form shall be given to the customs office designated as responsible for customs formalities and controls pertaining to the military forces of the Member State of destination.

That designated customs office shall retain one copy and shall return the second copy to the customs office responsible for customs formalities and controls pertaining to the military forces of the Member State dispatching the goods or on whose behalf the goods are being dispatched.'

(9) In Article 221, the following paragraphs 4, 5 and 6 are added:

'4. The competent customs office for declaring for release for free circulation goods in a consignment which benefits from a relief from import duty in accordance with Article 23(1) or Article 25(1) of Council Regulation (EC) No 1186/2009 (*), under a VAT scheme other than the special scheme for distance sales of goods imported from third territories or third countries set out in Title XII Chapter 6 Section 4 of Council Directive 2006/112/EC (**), shall be a customs office situated in the Member State where the dispatch or the transport of the goods ends.

5. The customs authority in each Member State in whose territory NATO forces eligible to use NATO form 302 are stationed shall designate the customs office or offices responsible for customs formalities and controls concerning goods to be moved or used in the context of military activities.

6. The customs authority in each Member State shall designate the customs office or offices responsible for customs formalities and controls concerning goods to be moved or used in the context of military activities carried out under cover of the EU form 302.

(*) Council Regulation (EC) No 1186/2009 of 16 November 2009 setting up a Community system of reliefs from customs duty (OJ L 324, 10.12.2009, p. 23).

(**) Council Directive 2006/112/EC of 28 November 2006 on the common system of value added tax (OJ L 347, 11.12.2006, p. 1).'

(10) Article 271 is amended as follows:

(a) the following paragraph 1a is inserted:

‘1a. Economic operators shall use an EU harmonised trader interface designed by the Commission and the Member States in agreement with each other for the standardised exchange of information (INF) pertaining to the procedures referred to in paragraph 1.’;

(b) paragraph 2 is replaced by the following:

‘2. Paragraphs 1 and 1a of this Article shall apply from the date of deployment of the UCC Information Sheets (INF) for Special Procedures set out in the Annex to Implementing Decision (EU) 2019/2151.’.

(11) In Title VII, Chapter 2, Section 1, the title of Subsection 4 is replaced by the following:

‘Subsection 4

Movement of goods under cover of NATO form 302 or EU form 302’

(12) Article 285 is deleted.

(13) Article 286 is replaced by the following:

‘Article 286

Supply of NATO forms 302 to NATO forces

(Articles 226(3)(e) and 227(2)(e) of the Code)

The designated customs office of the Member State of departure shall supply the NATO forces stationed in its territory with NATO forms 302 which:

- (a) are pre-authenticated with the stamp and signature of an official of that office;
- (b) are serially numbered;
- (c) bear the full address of that designated customs office for the return copy of the NATO form 302.’.

(14) The following Article 286a is inserted:

‘Article 286a

Supply of EU forms 302 to military forces of the Member States

(Articles 226(3)(a) and 227(2)(a) of the Code)

The designated customs office of the Member State of departure shall supply the military forces of a Member State stationed in its territory with EU forms 302 which:

- (a) are pre-authenticated with the stamp and signature of an official of that office;
- (b) are serially numbered;
- (c) bear the full address of that designated customs office for the return copy of the EU form 302.’.

(15) Article 287 is replaced by the following:

‘Article 287

Procedural rules applying to the use of NATO form 302

(Articles 226(3)(e) and 227(2)(e) of the Code)

1. At the time of dispatch of the goods, the NATO forces shall do either of the following:

- (a) lodge the NATO form 302 data electronically at the customs office of departure or entry;
- (b) complete NATO form 302 with a statement that the goods are being moved under their control and authenticate this statement by their signature, stamp and date;

2. Where the NATO forces lodge the NATO form 302 data electronically in accordance with point (a) of paragraph 1 of this Article, Articles 294, 296, 304, 306 and 314 to 316 of this Regulation shall apply *mutatis mutandis*.

3. Where the NATO forces proceed in accordance with point (b) of paragraph 1, they shall, without delay, give a copy of the NATO form 302 to the designated customs office responsible for customs formalities and controls pertaining to the NATO forces dispatching the goods or on whose behalf the goods are being dispatched.

The other copies of the NATO form 302 shall accompany the consignment to the NATO forces of destination, which shall stamp and sign them upon arrival of the goods.

At the time of arrival of the goods, two copies of the NATO 302 form shall be given to the customs office designated as responsible for customs formalities and controls pertaining to the NATO forces of destination.

That designated customs office shall retain one copy of the NATO 302 form and shall return the second copy to the customs office responsible for customs formalities and controls pertaining to the NATO forces dispatching the goods or on whose behalf the goods are being dispatched.’

(16) The following Article 287a is inserted:

‘Article 287a

Procedural rules applying to the use of EU form 302

(Articles 226(3)(a) and 227(2)(a) of the Code)

1. At the time of dispatch of the goods, the military forces of the Member State shall do either of the following:

- (a) lodge the EU form 302 data electronically at the customs office of departure or entry;
- (b) complete the EU form 302 with a statement that the goods are being moved under their control and authenticate this statement by their signature, stamp and date.

2. Where the military forces of the Member State lodge the EU form 302 data electronically in accordance with point (a) of paragraph 1 of this Article, Articles 294, 296, 304, 306 and 314 to 316 shall apply *mutatis mutandis*.

3. Where the military forces of the Member State proceed in accordance with point (b) of paragraph 1, they shall, without delay, give a copy of the EU form 302 to the designated customs office responsible for customs formalities and controls pertaining to the military forces of the Member State dispatching the goods or on whose behalf the goods are being dispatched.

The other copies of the EU form 302 shall accompany the consignment to the military forces of the Member State of destination, which shall stamp and sign them upon arrival of the goods.

At the time of arrival of the goods, two copies of the EU form 302 shall be given to the customs office designated as responsible for customs formalities and controls pertaining to the military forces of the Member State of destination.

That designated customs office shall retain one copy of the EU form 302 and shall return the second copy to the customs office responsible for customs formalities and controls pertaining to the military forces of the Member State dispatching the goods or on whose behalf the goods are being dispatched.’

(17) Article 321 is amended as follows:

(a) paragraph 5 is replaced by the following:

‘5. The Union transit procedure shall be deemed to have ended when:

- (a) the appropriate entry is made in the commercial records of the consignee, or
- (b) the operator of the fixed transport installation certified that the goods transported by fixed transport installation:
 - (i) have arrived at the consignee’s plant;
 - (ii) are accepted into the distribution network of the consignee; or
 - (iii) have left the customs territory of the Union.’

(b) the following paragraph 6 is added:

‘6. Non-Union goods shall be deemed to be in temporary storage from the moment the Union transit procedure has ended in accordance with point (a) or points (b)(i) or (ii) of paragraph 5.’

(18) The following Article 323a is inserted:

Article 323a

Special discharge for goods to be moved or used in the context of military activities

(Article 215 of the Code)

For the purposes of discharging the temporary admission procedure in respect of goods referred to in Article 235a of Delegated Regulation (EU) 2015/2446, their consumption or destruction shall be considered as re-export provided that the consumed or destroyed quantity corresponds to the nature of the military activity.’.

(19) In point (a) of Article 324(2), the following subparagraph is added:

‘However, paragraph 1 shall apply in cases where non-Union goods placed under the inward processing IM/EX procedure would be subject to prior Union surveillance, if they were declared for release for free circulation, subject to the condition that the holder of the authorisation for inward processing IM/EX provides the data elements in accordance with the relevant surveillance measure.’.

(20) In Article 331, the following paragraph 3 is added:

‘3. Where goods transported by a fixed transport installation are taken out of the customs territory of the Union through that installation, those goods shall be deemed to be presented to customs when placed into the fixed transport installation.’.

(21) Annex 23-02 is amended in accordance with the Annex to this Regulation.

(22) Annex 72-04 is amended as follows:

(a) in Part I Chapter III, point 19.3 is replaced by the following:

‘19.3. The period of validity of a comprehensive guarantee certificate or a guarantee waiver certificate shall not exceed five years. However, that period may be extended by the customs office of guarantee for one further period not exceeding five years.

Where during the period of validity of the certificate the customs office of guarantee is informed that the certificate, as a result of numerous changes, is not sufficiently legible and may be rejected by the customs office of departure, the customs office of guarantee shall invalidate the certificate and issue a new one, if appropriate.

Certificates with a period of validity of two years shall remain valid. Their period of validity may be extended by the customs office of guarantee for a second period not exceeding five years.’;

(b) in Part II Chapter II:

(i) the title is replaced by the following:

CHAPTER II

Specimen of a special stamp used by authorised consignor/authorised issuer;

(ii) point 5 is replaced by the following:

‘5. Authorised consignor/authorised issuer’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 1(1) shall apply from 1 May 2016.

Article 1(19) shall apply from 12 July 2017.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 June 2020.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

In Annex 23-02 of Implementing Regulation (EU) 2015/2447, the table is replaced by the following:

LIST OF GOODS REFERRED TO IN ARTICLE 142 (6)

The description of goods in this table is purely indicative and without prejudice to the rules for the interpretation of the Combined Nomenclature. For the purposes of this Annex, the scope of the arrangements laid down in Article 142(6) shall be determined by the scope of the CN codes as they exist at the time of adoption of this Regulation.

CN (TARIC) Code	Description of Goods	Period of validity
0701 90 50	New potatoes	1.1 to 30.6
0703 10 19	Onions (other than sets)	1.1 to 31.12
0703 20 00	Garlic	1.1 to 31.12
0708 20 00	Beans (<i>Vigna spp.</i> , <i>Phaseolus spp.</i>)	1.1 to 31.12
0709 20 00 10	Asparagus, green	1.1 to 31.12
0709 20 00 90	Asparagus, other	1.1 to 31.12
0709 60 10	Sweet peppers	1.1 to 31.12
0714 20 10	Sweet potatoes, fresh, whole, intended for human consumption	1.1 to 31.12
0804 30 00 90	Pineapples, other than dried	1.1 to 31.12
0804 40 00 10	Avocados, fresh	1.1 to 31.12
0805 10 22 0805 10 24 0805 10 28	Sweet oranges, fresh	1.6 to 30.11
0805 21 10 10 0805 21 90 11 0805 21 90 91	Mandarins (including tangerines and satsumas), fresh	1.3 to 31.10
0805 22 00 11	Monreales, fresh	1.3 to 31.10
0805 22 00 20	Clementines (other than monreales), fresh	1.3 to 31.10
0805 29 00 11 0805 29 00 21 0805 29 00 91	Wilkins and similar citrus hybrids, fresh	1.3 to 31.10
0805 40 00 11 0805 40 00 31	Grapefruit, including pomelos, fresh, white	1.1 to 31.12
0805 40 00 19 0805 40 00 39	Grapefruit, including pomelos, fresh, pink	1.1 to 31.12
0805 50 90 10	Limes (<i>Citrus aurantifolia</i> , <i>Citrus latifolia</i>), fresh	1.1 to 31.12
0806 10 10	Table grapes	21.11 to 20.7
0807 11 00	Watermelons	1.1 to 31.12
0807 19 00 50	Amarillo, Cuper, Honey dew (including Cantalene), Onteniente, Piel de Sapo (including Verde Liso), Rochet, Tendral, Futuro	1.1 to 31.12
0807 19 00 90	Other melons	1.1 to 31.12

CN (TARIC) Code	Description of Goods	Period of validity
0808 30 90 10	Pears of the variety Nashi (<i>Pyrus pyrifolia</i>), Ya (<i>Pyrus bretschneideri</i>)	1.5 to 30.6
0808 30 90 90	Pears, other	1.5 to 30.6
0809 10 00	Apricots	1.1 to 31.5 1.8 to 31.12
0809 30 10	Nectarines	1.1 to 10.6 1.10 to 31.12
0809 30 90	Peaches	1.1 to 10.6 1.10 to 31.12
0809 40 05	Plums	1.10 to 10.6
0810 10 00	Strawberries	1.1 to 31.12
0810 20 10	Raspberries	1.1 to 31.12
0810 50 00	Kiwifruit	1.1 to 31.12'

COMMISSION IMPLEMENTING REGULATION (EU) 2020/894**of 29 June 2020****amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2015/478 of the European Parliament and of the Council of 11 March 2015 on common rules for imports ⁽¹⁾, and in particular Articles 16 and 20 thereof,

Having regard to Regulation (EU) 2015/755 of the European Parliament and of the Council of 29 April 2015 on common rules for imports from certain third countries ⁽²⁾, and in particular Articles 13 and 16 thereof,

Whereas:

1. BACKGROUND

- (1) By Implementing Regulation (EU) 2019/159 ('the definitive Regulation') ⁽³⁾, the Commission imposed safeguard measures on certain steel imports (26 steel product categories). The measures consist of a system of tariff-rate quotas per-product-category ('TRQs') set at a level to ensure that disruption to imports were minimised and traditional import levels from trading partners were preserved. A 25 % out-of-quota tariff applies for imports exceeding the TRQs.
- (2) By Implementing Regulation (EU) 2019/1590 (the 'first Review Regulation') ⁽⁴⁾, the Commission reviewed the measures for the first time and introduced a series of adjustments taking into account changed circumstances and Union interest in order to make their functioning more effective.
- (3) By Implementing Regulation (EU) 2020/35 (the 'end-use Regulation') ⁽⁵⁾, the Commission revoked the adjustment previously made to the administration of the TRQ in product category 4, as it had proven impracticable.

2. THE SECOND REVIEW PROCEDURE

- (4) According to Article 8 of the definitive Regulation, the Commission may review the measures in case of change of circumstances during the period of imposition of the measures.
- (5) On 14 February 2020, the Commission initiated the second Review of the safeguard measures by publishing a Notice of Initiation ⁽⁶⁾ in which it invited interested parties to make their views known and submit evidence concerning five grounds of review ⁽⁷⁾.
- (6) Due process took place under a two-stage written procedure. In the first stage, the Commission received around 90 submissions. In the second stage, interested parties were also allowed to rebut other parties' initial submissions. The Commission received over 30 additional submissions.

⁽¹⁾ OJ L 83, 27.3.2015, p. 16.

⁽²⁾ OJ L 123, 19.5.2015, p. 33.

⁽³⁾ Commission Implementing Regulation (EU) 2019/159 of 31 January 2019 imposing definitive safeguard measures against imports of certain steel products (OJ L 31, 1.2.2019, p. 27).

⁽⁴⁾ Commission Implementing Regulation (EU) 2019/1590 of 26 September 2019 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ L 248, 27.9.2019, p. 28).

⁽⁵⁾ Commission Implementing Regulation (EU) 2020/35 of 15 January 2020 amending Implementing Regulation (EU) 2019/159 imposing definitive safeguard measures against imports of certain steel products (OJ L 12, 16.1.2020, p. 13).

⁽⁶⁾ OJ C 51, 14.2.2020; p. 21.

⁽⁷⁾ See recital 9 below.

- (7) The written phase of the proceeding ended on 18 March 2020, while the Union and other countries were imposing strict lockdowns and confinements to stop the spread of the COVID-19 pandemic.
- (8) In order to take into account in the framework of the Review the economic effects of this unexpected development resulting in a drastic change of circumstances in the functioning of the Union steel market and the current safeguard measures, on 30 April 2020 the Commission opened an additional and extraordinary period for interested parties to submit their views on the economic effects of the COVID-19 pandemic on the steel market.

3. FINDINGS OF THE INVESTIGATION

- (9) Following an in-depth analysis of all the submissions received, the Commission arrived at the following conclusions. They are organized in six different sub-sections. The first concerns the economic effects of the COVID-19 pandemic (Section 3.1 below), the following five (Sections 3.2 to 3.6) corresponding to the five grounds of review identified in the Notice of Initiation of the second Review, namely: A) Level and allocation of TRQs; B) Crowding out of traditional trade flows; C) Potential detrimental effects in achieving the integration objectives pursued with preferential trading partners; D) Update of the list of developing WTO member countries excluded from the scope of the measures based on updated import statistics concerning 2019; and E) Other changes of circumstances that may require an adjustment to the level of allocation of the TRQ.

3.1. The effects of the COVID-19 pandemic on the Union steel market and the functioning of the current safeguard measures

Comments from interested parties

- (10) The Commission received about 200 submissions on the economic effects of the COVID-19 pandemic and its impact on the functioning of the current safeguard measures. The large majority of them were from exporters, importers, users and traders. Several exporting countries, as well as associations of the Union steel producers industry ('the Union industry') and downstream steel users also submitted comments.
- (11) A large majority of the comments strongly opposed the request made by the Union industry to drastically reduce the volume of TRQs. These comments indicated that this reduction of TRQs would not only constitute a de facto ban on imports in violation of WTO rules, but would also be contrary to the Union interest, since it would ignore the interest of the downstream markets where steel manufacturing activities would be very negatively impacted. Several parties also stressed that additional changes to the administration of TRQs would be totally unjustified and considered that the elimination of the carry-over mechanism of unused quotas from one quarter to another would make the measures more restrictive in violation of WTO rules. Many parties highlighted that the impact of the COVID-19 pandemic is still uncertain and difficult to predict, and will have different effects depending on the steel segment. Some parties therefore suggested to postpone any adjustments until there is clarity about the impact, and alerted that a reduction in the level of TRQs would compromise supply contracts already concluded.

Commission position

- (12) When the Commission adopted the first package of adjustments to the Union steel safeguard measures in October 2019, the forecast for the steel industry indicated a decline in demand as the global economy was gradually slowing down. Apart from an adaptation of the liberalisation pace to this predicted slowdown of growth, the Commission also introduced several other adjustments aimed at preserving traditional trade flows and preventing that certain export origins crowded others out in the use of the TRQs available under the measures in a progressively deteriorating economic context.
- (13) It was unpredictable at that time that several months later, the COVID-19 pandemic would plunge the world economy into the most severe recession since the Global Financial Crisis of 2008. The strict controls decreed by the authorities all over the world to mitigate or suppress the disease since the outbreak of the pandemic during the first quarter of 2020 were taking a heavy toll. The economic effects of the lockdown and confinement measures have been immediate and harsh. The magnitude and sharpness of the economic shock has been very significant in terms of output, fixed investment, lay-offs, and demand.

- (14) According to Oxford Economics, global GDP is expected 'to contract by almost 7 % in the first half of the year, almost double the decline recorded during the global financial crisis, this reflects broad-based revisions across the major economies' ⁽⁸⁾. This contraction is underway in all major industrial sectors and orders have dried up completely. In March 2020, the J.P.Morgan Global Composite Output Index fell to a 133-month low of 39,4, and the month-on-month drop in the index level (6,7 points) was the second steepest in the series history ⁽⁹⁾. 'The severity of the impact was emphasized by series-record month-on-month declines in the levels of indices tracking output (down 10,1 points), new orders (down 9,4), outstanding business (7,3 lower), new export orders (down 10,4) and future activity (13,1 lower)' ⁽¹⁰⁾. The IHS Markit Global sector PMI published in May confirms this impact and shows record falls in output in every sector monitored except healthcare services ⁽¹¹⁾.
- (15) Union steel producers predict a stalling demand with falls in southern Europe exceeding 60 % and in northern Europe around 50 % during the second half of 2020, mainly driven by a dramatic slump in demand in the automotive segment of around 80 % as a result of a sharp decline in its vehicle sales and production. This is in line with the findings of Morgan Stanley in its recent report on the steel sector ⁽¹²⁾ which notes that 'steel end markets are facing severe disruption with automotive demand (18 % of Union steel demand) plummeting by 40-85 % YoY in March, while Construction, Oil & Gas and Aerospace segments are also facing severe headwinds'. The above-mentioned lasting slump in the demand for steel appears to be plausible and corroborated by the evolution of the seasonally adjusted Global Steel Users PMI, which is a composite indicator designed to give an accurate overview of operating conditions at manufacturers identified as heavy users of steel. This indicator fell to a 133-month low of 43,7 in April, from 49,3 in March, driven by the stalling demand both on domestic and export markets, the latter declining at the fastest rate since the end of 2008 ⁽¹³⁾.
- (16) The ensuing severe economic damage will be recorded by companies and countries during the first half of 2020. A change in trend can only be expected in the late second quarter with a possible rise in activity in very few countries, if any. The Spring 2020 Economic Forecast of the European Commission predicts a deep and uneven recession and an uncertain recovery, with the unemployment rate in the Union rising from 6,7 % in 2019 to 9 % in 2020 and then fall to around 8 % in 2021 ⁽¹⁴⁾.
- (17) The economic forecasts for the remaining duration of the safeguard measures ending on 30 June 2021 are bleak. The Spring 2020 Economic Forecast of the European Commission also predicts that the Union economy will contract by 7,5 % in 2020 and grow by around 6 % in 2021. Therefore, the EU economy is not expected to have fully made up for the crisis losses by the end of 2021. Investment will remain subdued and the labour market will not have completely recovered ⁽¹⁵⁾. Growth projections of the Commission for the Union and euro area have been revised down by around nine percentage points compared to the Autumn 2019 Economic Forecast.
- (18) The gravity of the massive economic fallout resulting from the COVID-19 pandemic is nevertheless difficult to predict at this stage. As Oxford Economics notes 'the key uncertainty now is not the size of the falls in the second half of 2020, but the speed and timing of the subsequent recovery' ⁽¹⁶⁾. In its recent uncertainty analysis, IHS Markit notes that uncertainty rockets to General Financial Crisis levels and describes how 'firms are now more fearful than ever of a recession and largely expectant that the downturn will persist throughout the coming year' ⁽¹⁷⁾.
- (19) Although since mid-May 2020 countries have started to implement exit strategies for the more stringent pandemic control measures, there are indeed still many uncertainties about the recovery. First, it is difficult to calibrate at this stage with clarity the depth of the damage caused to the national industries and the domestic and international

⁽⁸⁾ Research Briefing (Global) of 14 April 2020.

⁽⁹⁾ J.P.Morgan Global Composite PMI of 3 April 2020.

⁽¹⁰⁾ *Ibidem*.

⁽¹¹⁾ IHS Markit Global Sector PMI of 8 May 2020.

⁽¹²⁾ Report 'Bracing for impact' of 7 April 2020.

⁽¹³⁾ IHS Markit Global Steel Users PMI of 8 May 2020.

⁽¹⁴⁾ Spring 2020 Economic Forecast: 'A deep and uneven recession, an uncertain recovery' of 6 May 2020.

⁽¹⁵⁾ IHS Markit Global Steel Users PMI of 8 May 2020.

⁽¹⁶⁾ Research Briefing (Global) of 14 April 2020.

⁽¹⁷⁾ IHS Markit PMI Research & Analysis of 14 May 2020.

supply chains. Second, it is not excluded that new virus waves appear later in the year, as controls are progressively eased, which could lead to successive reinstatements of lockdowns and confinement measures including in a stop and go sequence that could nip the recovery in the bud and cause more lasting damage.

- (20) In the light of the forgoing analysis, the Commission finds that the economic shock produced by the COVID-19 pandemic represents a fundamental and exceptional change in circumstances drastically impacting the functioning of the steel market within the Union and worldwide. For this reason, the Commission considers it necessary to carefully take into consideration the economic effects of the COVID-19 pandemic when shaping the adjustments under the second Review of the safeguard measures.
- (21) As previously explained, in the first Review of the safeguard measures, as a result of an already observed downturn in the steel market contrary to the expectations at the time of adopting the definitive measures, the Commission had introduced adjustments to remedy limited crowding-out effects observed during the first year of measures. However, those effects will be further exacerbated in the current economic context in the absence of adjustments.
- (22) Whereas the economic shock of the pandemic has been relatively symmetric, in that the pandemic has affected all countries in the world with sudden and very significant output and demand falls, the strength of the rebound in 2021 is likely to be asymmetric. This will depend not only on the evolution of the pandemic in every country, but also on the structure of the national economies and their capacity to respond with recovery policies.
- (23) In the current situation of slump in demand and ensuing drastic reduction in sales affecting virtually all steel product categories, coupled with a horizon of high uncertainty and likely strong geographical asymmetries in the speed and timing of the recovery, it is plausible to expect ⁽¹⁸⁾ that some exporters of steel to the Union will adopt an even stronger aggressive commercial behaviour to 'empty the market' to the detriment of other market participants when activity resumes after the pandemic.
- (24) In particular, it is reasonable to expect ⁽¹⁹⁾ that some exporters, notably in geographical areas resuming activities comparatively earlier than others, will frontload sales in the Union market more forcefully than in the past to first exhaust country-specific quotas as early as possible, and be ready to immediately tap into the residual quotas when they become available.
- (25) This opportunistic behaviour of exporters from certain origins risks more than ever displacing other market participants and unduly occupy market shares that in normal circumstances would correspond to other traditional trade flow areas or to domestic production. This is a real risk, as exporters will desperately try to gain larger shares of a smaller market to make up for absolute sales losses due to depressed demand.
- (26) Apart from endangering the preservation of traditional trade flows in terms of origins, the above-mentioned opportunistic behaviour, unduly displacing traditional trade flows and domestic production, is also liable to causing very serious imbalances in the Union steel market, which could ultimately compromise the remedial effects of the original safeguard measures in terms of protection against a new sudden surge of imports.
- (27) In these circumstances, in order to guarantee an orderly return to the market of all suppliers, both domestic industry and exporters, and minimise undue opportunistic conduct, the Commission considers it necessary to introduce two general adjustments to the TRQs administration. The first one is to move to a quarterly, rather than yearly management of all country-specific quotas; this adjustment, whilst preserving the total volumes per product category, will ensure a more stable flow of imports and minimise the risk of undue import surge during the remaining duration of the measures. A second complementary adjustment is to introduce a refined regime for the access to the residual quota of countries benefiting from country-specific quota. This adjustment will ring-fence,

⁽¹⁸⁾ See recitals 36 and 37 where the observed behaviour of certain exporting countries under the measures is further developed.

⁽¹⁹⁾ *Ibid.*

where appropriate, the use of the residual quota for the incumbent smaller exporting countries falling within this global section of the TRQs, and will minimise the risk that they are crowded out by those exporters enjoying country-specific quotas. These two adjustments will be developed further below in Sections 3.2 and 3.3 respectively.

3.2. Level and allocation of TRQs

- (28) Under this Section the Commission assessed whether the current level and allocation of TRQs, including their management, is appropriate. As indicated in the Notice of Initiation, apart from the comments and evidence submitted by interested parties, the Commission paid particular attention in its assessment to the development of the TRQs use over the second year of measures ⁽²⁰⁾, which has been the object of daily monitoring for all twenty six-product categories.

Comments from interested parties

- (29) Most interested parties submitted comments on this aspect of this Review. Many of them, notably exporting producers, third-country governments, users, and importers requested either an increase in the level of TRQs or a different allocation system for the product categories of their concern. Those requests included the change of the reference period to calculate the TRQ levels to benefit from a higher quota. Some interested parties asked the Commission to change the basis for allocating a country-specific quota, by either increasing or decreasing the current 5 % threshold.
- (30) On the other end, the Union industry advocated for a number of adjustments in the opposite direction. Most notably, the Union industry requested that the TRQs are administered on a quarterly basis, and that the unused volumes in one quarter are not transferred to the next quarter. In the framework of the exceptional reopening of the written phase for receiving comments on the economic effects of the COVID-19 pandemic, the Union industry asked for the level of TRQs to be reduced up to 75 % to cater for the devastating economic effects of the pandemic. Many interested parties strongly opposed this request, arguing that it would be incompatible with WTO rules and unduly affect the downstream industry in the Union.

Commission position

- (31) The Commission notes that even in the last quarter of the second year of measures (data analysed until 15 May 2020), the overall level of TRQs remained largely unused ⁽²¹⁾, with quotas available in every product category. In view of the observed pace and trend of TRQs use after more than three quarters of the period have already lapsed, and in the prevailing economic context of growth stalling described in Section 3.1 above, the Commission considers it very unlikely that, in the remainder of the last quarter, the TRQ use would accelerate. To the contrary, the most recent import trend and demand outlooks indicate that until the end of the period, i.e. 30 June 2020, the pace of imports could be even further reduced. Moreover, as stated in recital 15 of the first Review Regulation, in the first year of measures, when the situation in the market was more stable and demand was sustainable as compared to the current situation, around 3,2 million tonnes free-of-duty TRQs remained unused ⁽²²⁾.
- (32) Against this background, the Commission considers that the TRQ levels in place did not unduly restrict trade flows during the second year of measures, but allowed a level of imports proportionate to the needs of the Union market.
- (33) In reaction to the requests for an increase of the TRQ levels, the Commission notes that the submissions made by interested parties did not show that demand in the Union steel market would increase in any such way so that actual TRQs create a shortfall of supply in the market. To the contrary, as described in detail in Section 3.1, the trend rather points to the opposite direction. Lastly, the Commission also notes that the reference period used to calculate the TRQs constitutes one of the pillars in the design of the measures set ab initio by the definitive Regulation, and that the scope of the Review does not cover the substantial modification of the basic structure of the measures. Rather, its objective is to assess whether any specific adjustments to the management of the TRQs are necessary. The Commission thus rejects those requests.

⁽²⁰⁾ Data analysed until 15 May 2020.

⁽²¹⁾ 9 million tonnes – 29 % of the total TRQ available in year 2 of the measures.

⁽²²⁾ This amounted to around 12 % of the total TRQ unused.

- (34) Notwithstanding the above, the Commission considers it necessary to introduce a series of adjustments and refinements to the management of the TRQs in order to adapt it to the evolution of the market and better ensure the functioning of the safeguard measures. Those adjustments are both horizontal in nature and specific to certain product categories.

3.2.1. *Horizontal adjustment: Quarterly administration of all country-specific quotas*

- (35) The Review investigation showed that several exporting countries continued to have a very aggressive export behaviour in numerous product categories during the second year of measures. These countries exhausted several (or most) of their annual country-specific quotas abnormally quickly (in some cases just within a few months from the beginning of the period). A yearly country-specific quota was even exhausted on the very first day of the second year of measures.
- (36) This behaviour created in those product categories a situation whereby a disproportionately heavy influx of imports concentrated at a rather early stage of the yearly period. This influx subsequently slowed down until the beginning of the last quarter of the period, when a new peak of imports took place again, coinciding with the moment when countries benefitting from a country-specific quota are allowed to tap free of duty into the available residual TRQ. The Commission considers that this behaviour is causing important imbalances and prevents a smooth functioning of the market.
- (37) In the situation of extreme uncertainty, slump in demand and ensuing drastic reduction in sales affecting virtually all steel product categories described in detail in Section 3.1, the Commission considers very likely that the above-mentioned exclusionary exporting behaviour will be further exacerbated. Exporters, under these exceptional circumstances, will adopt a very aggressive and opportunistic behaviour vis-a-vis other competitors with a view to recovering lost sales. Under this opportunistic behaviour, it is reasonable to expect that exporters in the strongest exporting countries will try to frontload sales to 'empty the market'. Such opportunistic commercial behaviour is the most important risk for the adequate functioning of the safeguard measures, as it would cause very serious disturbances in the market and, in the absence of remedial action, risks unduly displacing traditional trade flows and domestic production, thereby offsetting the effect of the safeguard measures in place.
- (38) Since the imposition of definitive measures, country-specific quotas have been administered on a yearly basis, that is to say, the whole underlying volumes were made available to exporters at the beginning of each annual period without time restrictions for their use within a given period, by contrast with the residual quotas that were administered quarterly. The introduction of time limitations appeared to be at the time an unnecessary and a cumbersome administrative burden interfering with the normal market functioning.
- (39) However, following the review investigation, the Commission considers that the current annual administration of the country specific quotas would not be effective in preventing the disturbances on the Union steel market identified above, which would be exacerbated by the expected opportunistic behaviour of some exporters. These disturbances would not only run counter to the interest of the majority of exporting countries, but would also very negatively affect the economic situation of the Union steel industry, thus undermining the effectiveness of the measures.
- (40) Accordingly, the Commission decided that the country-specific quotas be administered quarterly as well. This adjustment will ensure a more stable flow of imports and minimise the existing very high risk that the opportunistic conduct of exporters conflicts with the legitimate interest of other market participants throughout the next period of measures, i.e. 1 July 2020 to 30 June 2021.
- (41) This adjustment will have a positive stabilizing effect on the market, since it will avoid massive stockpiling at the beginning of a period, as it was already detected in the past in several product categories. The adjustment will allow those producers both in the Union and in third countries that have seen their ability to operate significantly restricted during the COVID-19 and which have been allowed to resume operations after the lockdowns comparatively later than others to compete in a more level playing field when demand recovers.
- (42) It should finally be mentioned that the Commission does not find any reasons to stop the carry-over of unused volumes of quarterly administered quotas from one quarter to the next within the same period. Maintaining the carry-over mechanism ensures that the TRQ use can adapt to the evolution of demand throughout the year, without unduly creating disturbances in the market.

3.2.2. Specific adjustments to individual product categories

(a) Category 1 (Hot-rolled flat products)

(43) As explained in recital 149 of the definitive Regulation and in recitals 17 to 19 of the first Review Regulation, this product category was subject to a global TRQ only. This was an exception to the otherwise preferred system, applied to almost all other product categories, of a combination of country-specific quotas for the largest historical suppliers with residual quotas for the rest.

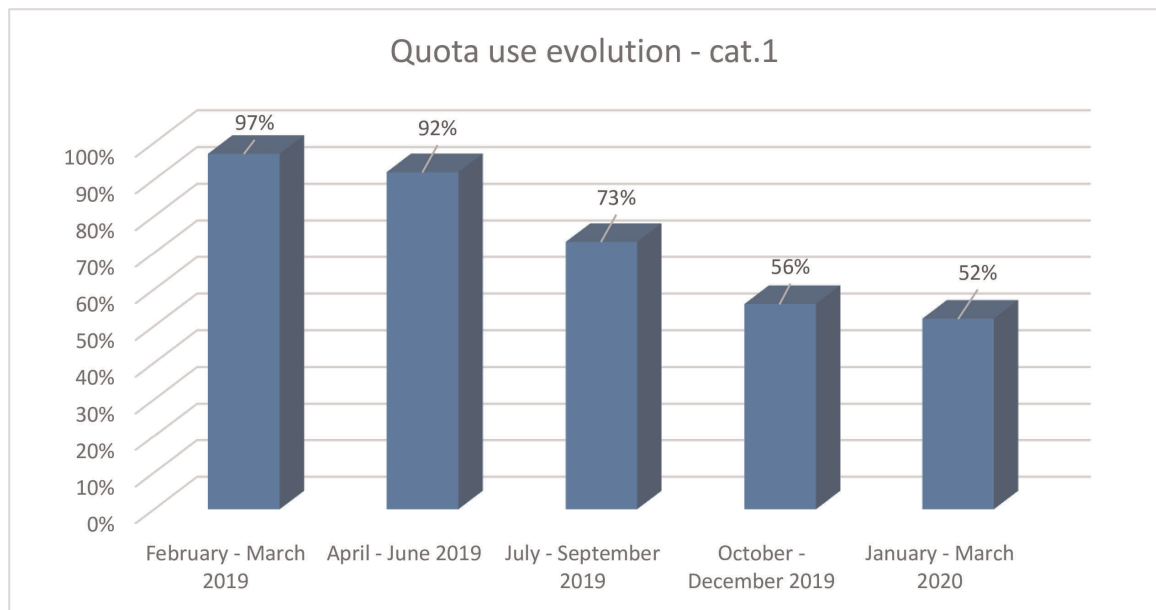
Comments from interested parties

(44) With respect to this product category, several interested parties have requested to reduce the 30 % cap per country of origin to 20 %, while others have advocated for an elimination of the cap and restoring the situation preceding the first Review.

Commission position

(45) The review investigation revealed a number of developments based on which, the Commission considers that an adjustment to the TRQ management in this product category is necessary. In the first place, the investigation confirms that the TRQ use in this category has experienced a consistent sharp decline throughout the period (see Graph 1 below), reaching an average use of 54 % during the second and third quarter of the second year of measures ⁽²³⁾.

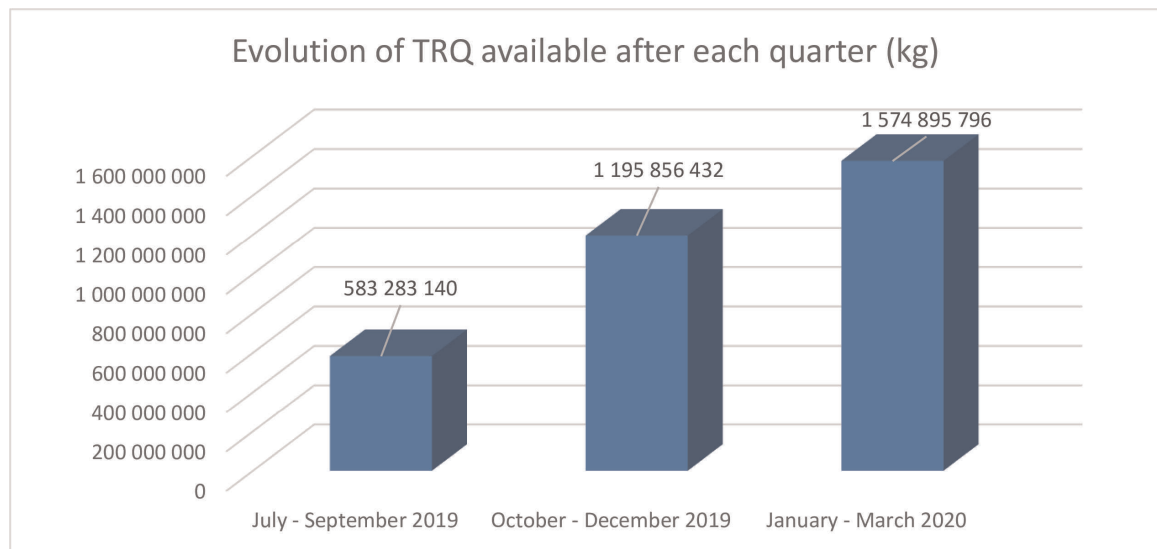
Graph 1



(46) At the end of the third quarter, the cumulated unused quota since the beginning of the second year of measures reached a volume of over 1,5 million tonnes (see Graph 2 below). Moreover, the data available until mid-May 2020 shows a much more dramatic reduction in the import levels in this product category, with only 16 % of the TRQ used. This represents more than 3 million tonnes of unused TRQ only six weeks before the end of the quarter. Thus, the trend of imports in this product category, which accounts for around one third of the historical import volumes of the twenty-six product categories subject to safeguard measures, is a relevant indicator of the current steep downward trend of demand in the EU steel market.

⁽²³⁾ Source: https://ec.europa.eu/taxation_customs/dds2/taric/quota_consultation.jsp

Graph 2



- (47) The Commission also notes that this substantial reduction in TRQ use took place in a period that was not yet affected by the shock of the COVID-19 pandemic. Thus, this strongly suggests that it is very unlikely that any future recovery of Union demand in the course of the third year of measures would be of such a magnitude so as to eventually reach a full or very high TRQ use in this product category.
- (48) Against this background, the Commission finds that the risk of potential shortage of supply it tried to prevent with the globalisation of the TRQ under the definitive measures does no longer exist in the current circumstances. Accordingly, the Commission decided to discontinue the exceptional global administration of the TRQ in this product category and apply the default system of combined country-specific and residual quota, which is in place for almost all other product categories.
- (49) Therefore, as from 1 July 2020, the TRQ for product category 1 will consist of country-specific quotas for those countries whose level of imports in this category reached at least 5 % in the relevant reference period 2015-2017 ⁽²⁴⁾, and of a residual global quota for the rest. This TRQ will be administered quarterly, as explained in Section 3.2.1 above. The cap of 30 % share for any exporting country will nevertheless continue applying to the use of the residual quota in the fourth quarter to prevent crowding-out effects ⁽²⁵⁾.
- (50) The Commission continues to consider that the default TRQ system combining country-specific and residual quotas is the most suitable system to ensure the preservation of traditional trade flows in terms of both volumes and origins ⁽²⁶⁾. Therefore, it is in the overall Union interest to implement it in this product category as soon as the conditions for it have occurred.

(b) Category 8 (Stainless steel hot-rolled sheets and strips)

- (51) Since the previous review investigation, the Commission has observed that several important changes affecting this category took place. First, on 8 April 2020 the Commission imposed provisional anti-dumping measures on imports of this product category originating in the People's Republic of China, Indonesia and Taiwan. ⁽²⁷⁾ Second,

⁽²⁴⁾ Despite having at least 5 % imports in the relevant period, Iran does not have a country-specific quota. The reason is that because of the anti-dumping measures in place, it virtually ceased exporting to the Union – import share went down to 0,05 % in 2019 – and it is therefore very likely that if granted a country-specific TRQ, it would go largely unused. On the other hand, Russia retains a country-specific TRQ given that, despite the anti-dumping measures in place, it has consistently continued to export in significant volumes.

⁽²⁵⁾ See Section 3.2.3.d.

⁽²⁶⁾ See recital 146 of definitive Regulation and recital 17 of the first review Regulation.

⁽²⁷⁾ OJ L 110, 8.4.2020, p. 3.

the Commission has confirmed a consistent very low use of the country-specific TRQ by the USA ⁽²⁸⁾. As a result, four out of the five largest exporting countries under this category are currently subject to different trade measures. It is therefore expected that those countries would not continue exporting to the Union at their historical levels.

Comments from interested parties

- (52) Some interested parties asked the Commission to introduce a cap in the residual quota for this category. Other interested parties asked that the Commission transfer to the residual quota those volumes of country-specific quotas showing very low use level.

Commission position

- (53) Based on the changed circumstances described in recital 51, which risks producing a shortfall of supply on the Union market for this product category, and in line with the approach taken in other product categories since the adoption of definitive measures, the Commission finds it in the Union interest to transfer the volumes of the country-specific quotas of all countries subjected to different types of trade defence measures ⁽²⁹⁾ into the residual TRQ. This adjustment will ensure that traditional trade volumes are not affected by the current measures and that Union users have enough flexibility for switching supplying origins, should that be necessary.
- (54) Therefore, the TRQ for product category 8 will become a global TRQ administered on a quarterly basis as from 1 July 2020.

(c) Category 25 – Large welded tubes

- (55) The Commission recalls the rationale for globalizing this TRQ and refers to the explanations provided in recitals 54 to 59 of the first Review Regulation.

Comments from interested parties

- (56) Certain interested parties requested changes in this category. In particular, parties have asked to revert to a system of combined country-specific and residual quotas. In addition, some parties have also requested to split this TRQ into two sub-categories to better address the specificities of the products grouped under this category.

Commission position

- (57) In its analysis under this second Review, the Commission observed (based on a set of data not available at the time of the first Review investigation) a rather abnormal pattern of import flows ⁽³⁰⁾ under this single category, which differs significantly from the traditional trade flows in terms of volumes and origins and which risk producing imbalances on the Union market.
- (58) The Commission notes that over 70 % of the total TRQ volume of this category corresponds to historical trade flows stemming from a number of product types mainly used in large engineering projects. By contrast, the actual use of the TRQ in this product category shows that certain countries are using it to export product types not used in large engineering projects increasingly well beyond their traditional trade volumes (in some cases with a tenfold increase) at the expense of other market players, domestic and exporting countries alike. Consequently, the Commission considers that the current system of the TRQ management has led to an undue crowding-out situation.
- (59) In the absence of an adjustment, should there be large engineering projects requiring specific tubes in the course of the third year of measures, they run the risk of not being able to procure all the volumes of TRQ that should correspond to these special tubes, as they would be crowded out by other imports.

⁽²⁸⁾ The Commission notes that in this product category, the USA is subject to a 25 % duty resulting from Union's rebalancing measures: https://trade.ec.europa.eu/doclib/docs/2018/may/tradoc_156909.pdf

⁽²⁹⁾ Indonesia is subject to provisional anti-dumping measures; however, it does not have a country-specific TRQ. The volumes of country-specific quotas transferred pertain to the – otherwise – country-specific TRQs of: China, Taiwan and the USA.

⁽³⁰⁾ An example is CN code: 7305 19 00, which experienced an almost 300 % increase in 2019 with respect to the average imports in the period 2015-2017.

- (60) Accordingly, the Commission finds it necessary to introduce an adjustment to the current design of the quota to prevent the above-mentioned unwanted imbalance from happening. The most appropriate way to deal effectively with the above situation is to split this category into two: a first sub-TRQ (category 25A) should then include those CN codes that are normally used in large engineering projects ⁽³¹⁾, and a second sub-TRQ (category 25B) the remainder CN codes not used in such projects ⁽³²⁾. The split is simple and does not appear to create any disproportionate burden for the custom authorities.
- (61) As to the administration of these subcategories, product category 25A will consist of a single global TRQ to allow equal opportunities for all potential tenderers in large-scale projects as described in the first Review Regulation ⁽³³⁾. Product category 25B will consist of country-specific quotas for those countries reaching an average import share of at least 5 % in the reference period 2015-2017, and a residual quota for the rest.
- (62) The Commission considers that the split of the TRQ for this product category would reflect more accurately the historical import flows corresponding to the two sub-categories of tubes and, in this way, ensure a fairer functioning of the quota. The split will guarantee the availability of the necessary volumes for any large-scale engineering project in the Union during the remaining lifetime of the measures, which otherwise would have been crowded out by other product types. Such imbalance runs counter the Union interest and the objective to preserve under the safeguard measures as much as possible traditional trade flows in terms of volumes and origins.
- (d) Category 4B (Metallic coated sheet used primarily in the automotive sector)
- (63) In recital 8 of the end-use Regulation, the Commission noted that '[it] remains of the view that, in the Union interest, a specific mechanism, either the end-use procedure (once the implementation issues are resolved), or an alternative system, however set up, may be required at a later stage in order to ring-fence imports of automotive steel grades under product category 4B. These issues will accordingly, be re-assessed in the context of a future review investigation, based on the comments and proposals made by the interested parties, as well as other developments affecting this product category'.
- (64) Accordingly, the Commission has carefully analysed the comments received with regard to any proposal for a specific mechanism in this product category.

Comments from interested parties

- (65) Interested parties submitting comments on this category generally agreed that it was important that the necessary import volumes of steel intended for automotive use were preserved. To this end, they submitted different requests. Some interested parties asked to identify the imported products for use in the automotive sector by means of a 'self-declaration' or to admit the release for free circulation only on production of a 'document of entry' issued by the competent authority designated by Member States and based on an application by an Union importer. Interested parties also asked to reallocate unused TRQ volumes from category 4A into category 4B and to introduce a 30 % cap in the last quarter of a period, to avoid that non-automotive grades continue using up part of the TRQ, thus displacing automotive grades. Lastly, some interested parties requested the Commission to devise an alternative system to the end-use, but serving the same purpose, and even to reinstate the end-use mechanism, while others frontally opposed having the end-use mechanism back in place.

Commission analysis

- (66) First, the Commission remains of the view that it would be desirable to explore alternatives to ring-fence further, if feasible, the imports of automotive steel under category 4B. In this spirit, the Commission carefully assessed the proposals received and reached the following conclusions.

⁽³¹⁾ CN codes: 7305 11 00 and 7305 12 00.

⁽³²⁾ CN codes: 7305 19 00, 7305 20 00, 7305 31 00, 7305 39 00 and 7305 90 00

⁽³³⁾ See recitals 54 to 59 of the first Review Regulation.

- (67) The implementation of the end-use mechanism did not work as expected, as described in detail in the end-use Regulation. The Commission did not see any evidence indicating that the circumstances that led to its revocation have changed, so that reintroducing such mechanism would be an effective solution. Consequently, the Commission has thus considered that reintroducing the end-use mechanism is not appropriate.
- (68) The Commission also notes that despite the possibility to provide observations on other parties' comments, there was no proposal attracting a minimum level of support amongst the stakeholders concerned across Member States. The Commission recalls, drawing from the experience of the end-use mechanism, that in order to implement an alternative effective mechanism in this product category, it is fundamental that all the participants in the complex chain of supply to the automotive sector unequivocally commit to cooperate across Member States to make it viable. The Commission therefore finds that none of the alternative ring-fencing mechanism proposed appears to mobilise a majority of participants so as to have possibilities of success.
- (69) Accordingly, the Commission decided not to implement any new particular mechanism for this product category and avoid the very negative effects the lack of sufficient adherence could once more produce.
- (70) The Commission would like to highlight with satisfaction that obtaining the end-use authorization is feasible when there is an effective cooperation amongst all the relevant stakeholders. The Commission refers to the specific situation of an interested party that has received the end-use authorisation by the authorities of an EU Member State at the end of April 2020. Unfortunately, the Commission cannot implement in an effective manner a specific management of the TRQ that would only be applicable for one company.
- (71) Second, when looking into the use of the TRQ for category 4B, the Commission has observed a massive influx of imports entering the Union market upon the opening of the residual quota in the fourth quarter on 1 April 2020, which quickly exhausted the residual quota initially available. This situation resembles that of 1 July 2019, when the new quotas for the second year of measures were open and a yearly country-specific quota was exhausted within one day. In this respect, several interested parties continued to warn the Commission that most of these volumes would not be serving the Union automotive industry. With respect to those claims, the Commission notes that no other interested parties contested the submissions made in this regard. Moreover, the Commission recalls that it is conducting an anti-circumvention investigation on imports of this product category from the PRC based on sufficient evidence supporting the veracity of the claims that imports under category 4B may actually not correspond to this product category.
- (72) Accordingly, the Commission considers it necessary to introduce an adjustment to avoid that unusually large volumes of non-automotive types of category 4 continue unduly displacing the traditional supply flows to the EU automotive industry. This adjustment is developed in Section 3.2.3 below.

3.2.3. 'Crowding out' of traditional trade flows

- (73) In recital 150 of the definitive Regulation, the Commission established that those countries having exhausted their country-specific quota would be able to access the residual quota in the last quarter of a period. The objective of such mechanism was to avoid that volumes of the residual quotas would potentially remain unused. In recitals 85 to 98 of the first Review Regulation, the Commission assessed the functioning of this feature, identifying certain crowding out effects and, accordingly, adjusted the functioning of this feature of the measures for two product categories ⁽³⁴⁾.

Comments from interested parties

- (74) In the framework of the present Review, many interested parties submitted comments and proposals to address the alleged crowding out effects that would be taking place in numerous product categories. Some parties requested the imposition of caps on certain product categories to those countries accessing the residual quotas in the last quarter. Some parties also requested to reduce the existing cap levels in two product categories, and to eliminate altogether the possibility of countries accessing the residual quota in the last quarter of a period. In the same vein, other parties suggested to impose a cap for the use of quotas (country-specific or residual) by a specific country and to allow access to the residual quota only with respect to the unused carryover volumes transferred from the previous quarter.

⁽³⁴⁾ The adjustment applying to product categories 13 and 16 consisted of a 30 % cap of the initial volume in Q4 for those countries otherwise subject to a country-specific TRQ. See recitals 88 to 96 of the first review Regulation for further details.

- (75) On the opposite side, other parties asked to eliminate the caps and allow unrestricted access in the last quarter, or at the very least, maintain the status quo. Furthermore, some parties requested that countries benefitting from a country-specific quota should be allowed to access the residual quotas immediately, as soon as the former is exhausted, without awaiting to the last quarter of a period.

Commission position

- (76) By contrast with the first Review investigation, the Commission can assess under the second Review a substantially longer period of application of the definitive measures to carry out its analysis: five quarters' data are available ⁽³⁵⁾. Therefore, the Commission has now been able to assess in a more precise and reliable manner what the actual trends of imports, in volumes and origins, have been under the residual quotas on a category-by-category basis.
- (77) In the first place, the Commission has been able to assess what the typical residual quota use per quarter is by the countries that are the incumbent beneficiaries of this section of the TRQ. In this respect, the Commission has, on the one hand, calculated the average residual quota use (overall and per origin) in each of the four quarters where the countries benefitting from a country-specific quota could not access the residual section yet. On the other hand, the Commission has checked this typical use against the actual use (overall and per origin) in the fourth quarter when indeed the bigger exporting countries could tap into the residual section of the TRQ ⁽³⁶⁾.
- (78) Based on the above-mentioned comparison, the Commission has reached the conclusion that the access to the residual quota in the fourth quarter of a period cannot continue being the default regime, because it is causing undue crowding out effects to different extents in several product categories. Instead, the access to the residual quota in the last quarter of a period should be allowed, or not, on the basis of the actual typical use by the incumbent beneficiaries of the residual quota, as described in the preceding recital.
- (79) In order to shape the access regime to the residual quota in the fourth quarter of a period in an effective and proportionate way, the Commission considers it appropriate that the adjustments apply only to those product categories where negative crowding-out effects have been identified. In this spirit, the Commission has devised three different regimes corresponding to three different access regimes to the residual quota for all the product categories. These three regimes depend on the degree of crowding out effects observed, except for categories 1, 4B, 8 and 25A, which have their proper TRQ administration regime (see, respectively, Section 3.2.2.a and Section 3.2.3.d, Section 3.2.2.d and Section 3.2.3.d, and Section 3.2.2.c and Section 3.2.3.d).

Regime 1: No further access

- (80) In a number of categories, smaller supplying countries have consistently showed across the quarters assessed that they are self-sufficient to make full or very high use of the volumes available under the residual quota. In addition, the observed behaviour in these categories of larger exporting countries during the fourth quarter has clearly created an undue displacement of all or several historical volumes of the smaller supplying countries. In this case, with a view to preserving traditional trade flows in terms of origins in an effective manner, the Commission considers it necessary to prohibit countries benefitting from country-specific quotas to further access the residual quota in the fourth quarter during the third year of measures. No further access will apply to categories: 5, 16, 20, and 27 ⁽³⁷⁾. The past track of average use per quarter of the residual quota clearly indicates in these categories that the risk that a proportion of it remains unused is very low.

Regime 2: Limited access

- (81) In a series of other categories, the average quota use shows that while the incumbent supplying countries under the residual quota make reasonable use of it, they alone are not able to make full or high use of the available volumes. Therefore, the access in the fourth quarter by larger exporting countries continues to be justified. Nevertheless, the detailed analysis of the use of the residual quota in these cases shows that the unrestricted access achieves a final balance in terms of origins that is unfair. In particular, it was a common observed feature that the import share of

⁽³⁵⁾ February-March 19, April-June 19, July-September 19, October-December 19, January-March 20.

⁽³⁶⁾ For the purpose of this analysis, the Commission relied mainly on the data for the full quarter April-June 19, and where the data available at the time of the drafting of this Regulation allowed, it also drew some conclusions from TRQ usage in the quarter April-June 20.

⁽³⁷⁾ The average TRQ use by the incumbent countries ranged from 96 % to 100 %.

the incumbent smaller supplying countries in the fourth quarter was always notoriously below their average in previous quarters. This imbalance was the direct result of the exclusionary presence of those larger exporting countries that had exhausted their country-specific quotas, thus resulting in undue crowding out effects that run counter the Union interest to preserve trade flows as much as possible in terms of origins ⁽³⁸⁾.

- (82) Therefore, with a view to ensuring that the necessary entry in these cases does not produce undue displacement of the traditional trade flows from the incumbent smaller supplying countries, the Commission considers it appropriate to limit the access to the residual quotas by countries benefiting from exhausted country-specific quotas. This access will be limited to only those volumes exceeding the average quota used by the smaller supplying countries during the four quarters ⁽³⁹⁾. This adjustment will apply to product categories: 10, 12, 13, 14, 15, 21, 22, and 28 ⁽⁴⁰⁾.

Regime 3: Status quo is maintained

- (83) For the remaining categories, the Commission considers that based on the trends observed, which do not show any undue displacement of origins, it is in the Union interest to continue the status quo, that is to say, allowing the access in the fourth quarter without limitation for the beneficiaries of exhausted country-specific quotas. Nevertheless, in order to secure the preservation of trade flows from the incumbent beneficiaries of the residual quota, unused carried forward quotas will be ring fenced for them. This unlimited access will then apply to Categories: 2, 3A, 3B, 4A, 6, 7, 9, 17, 18, 19, 24, 25B, and 26 ⁽⁴¹⁾.

Special cases: Product Categories 1, 4B, 8 and 25A

- (84) The approach described above cannot be applied, for different reasons, to product categories 1, 4B, 8 and 25A.
- (85) Since the imposition of definitive measures and up to the enforcement of the new adjustment under this Review, product category 1 was subject to a system of global TRQ. This prevents the type of crowding out analysis carried out for the product categories under a) to c) above.
- (86) Nevertheless, under the first Review Regulation, the Commission had decided that a 30 % cap per quarter allowed preserving as much as possible traditional trade volumes in both volume and origin terms. On the same grounds, the Commission considers that the maintenance of the 30 % cap of the initially available residual quota at the beginning of the fourth quarter continues being the best appropriate means to prevent that the countries that will benefit from country specific quota in this category after the individual adjustment decided under this Review crowd out the incumbents of the newly created residual quota.
- (87) Regarding product Category 4B, the end-use mechanism was in place across two quarters: October-December 2019 and partially during January-March 2020. Since the imposition of this mechanism, exporting countries encountered serious obstacles to export to the Union. Consequently, the level of imports was abnormally low. The Commission thus does not have the same longer data set to carry out the crowding out assessment as for the product categories under a) to c) above.
- (88) Nevertheless, the data available from the fourth quarter of 2019 and of 2020 unequivocally show that some crowding out effects are taking place. In fact, early into both quarters, virtually the full amount of the residual quota was used by only one exporting country benefitting from a country-specific quota. Therefore, to prevent undue crowding out effects and preserve historical trade flows in terms of origins, the Commission considers it appropriate to introduce a 30 % cap in this category by reference to the amount initially available at the beginning of the fourth quarter for the access of countries benefiting from exhausted country-specific quotas.

⁽³⁸⁾ See Annex III for specific volumes allowed in the relevant product categories.

⁽³⁹⁾ If the average TRQ use by the incumbent countries under the residual TRQ in a given category has been e.g. 70 % over the four quarters assessed, it means that countries accessing the residual TRQ in Q4 would only be able to export altogether, as a maximum, 30 % of the residual TRQ volumes initially available in Q4.

⁽⁴⁰⁾ The average residual TRQ use for these categories in the relevant quarters was: 70 % (cat.10), 40 % (cat.12), 73 % (cat.13), 44 % (cat.14), 25 % (cat.15), 79 % (cat.21), 19 % (cat.22), 29 % (cat.28).

⁽⁴¹⁾ See Annex III for specific volumes allowed in the relevant product categories.

- (89) Lastly, since categories 8 and 25A will consist as of 1 July 2020 of a global TRQ only, this system does not apply to them.

3.2.4. Potential detrimental effects in achieving the integration objectives pursued with preferential trading partners

- (90) In the definitive Regulation, the Commission committed to assessing whether the functioning of the steel safeguard measures causes any substantial risk to the stabilization or economic development of certain preferential trading partners to an extent that would be detrimental to the integration objectives of their agreements with the Union. In the first Review Regulation, the Commission concluded that the safeguard measures did not cause a detrimental effect in achieving the integration objectives. The same Regulation also established in recital 106 thereof that '[the] countries' ability to export to the EU was not unduly limited by the measures'.

Comments from interested parties

- (91) Several interested parties, in particular third country governments, submitted comments under this section of the Notice of Initiation. Certain countries asked to be exempted from the measures or to receive a preferential treatment. In this respect, there were requests to exempt the Western Balkans from the safeguard measures, as these could affect the development of their steel industry and thereby causing a significant negative impact to their domestic economies that could compromise the objectives set out in the Stabilisation and Association Agreements ('SAA') signed with the Union. Furthermore, these interested parties argued that the safeguard measures would be causing a reduction in their exports to the Union, when compared to the period prior to the imposition of measures. Exporters would thus be considering temporary shutdowns of certain facilities and unpaid leave for large numbers of employees. Some countries referred to the fact that they are effectively abiding by Union State Aid rules on the steel industry and, hence, this should grant them unrestricted access free-of-duty to the Union market. Other requests for exemption or preferential treatment, affecting several third countries, were based on different provisions of the relevant bilateral agreements with the Union.

Commission position

- (92) In the first place, the Commission recalls the reasoning it developed in the first Review Regulation that all bilateral agreements referred to by interested parties under this section allow the imposition of safeguard measures such as the current ones. Therefore, the Commission is under no legal obligation to exempt them from the measures. Secondly, as per Article 2 of the WTO Agreement on Safeguards, safeguard measures shall be applied to the product under investigation being imported irrespective of source. As already noted in the first review Regulation the 'only exceptions to these rules concern the specific situation of certain developing country members, or –as the case may be– obligations deriving from bilateral agreements'. Therefore, the Commission maintains its position that there are no legal grounds to exclude any of these countries from the safeguard measures.
- (93) As noted in recital 99 of the first Review Regulation, the commitment to reviewing the measures regarding the specific aspects described in recital 90, referred in particular to countries with which the Commission had concluded an SAA.
- (94) With regard to these countries, the Commission has first carried out a backward-looking assessment of their export performance during the second year of measures, i.e. since 1 July 2019. This analysis shows that in those product categories where these countries benefit from a country-specific quota, they generally still had unused volumes available under their dedicated quota in the last quarter of the period. Moreover, for those product categories where they may have subsequently exhausted their country-specific quota, in the majority of the cases, including categories identified by some of these countries as critical for their industries, there were significant volumes still available under the residual quota. This means that they generally had the possibility to continue exporting beyond their historical levels in their most relevant product categories. For those product categories where, instead, these countries were subject to the residual quota, the analysis of the data did not show that the system of TRQs was overall limiting their ability to export. In fact, in certain cases, countries did de facto not encounter any limitation whatsoever under the measures to exceed their historical level of exports.
- (95) The Commission has therefore concluded that the level of TRQs was adequate and proportionate to preserve traditional trade flows and that there was no evidence of substantial increase in Union demand or a change of circumstances of any other kind justifying a change in that level without affecting the effectiveness of the current measures.

- (96) The Commission has also undertaken a forward-looking analysis and looked into how the adjustments included in this Regulation could potentially affect the stabilization or economic development of the Western Balkan countries. In carrying out this assessment, the Commission has taken into consideration the current market situation and outlooks for the near future as described in Section 3.1 above.
- (97) In this respect, the Commission recalls, first, that contrary to the requests of the Union industry, the Commission has not reduced in this second Review the level of the TRQs, as it did not under the first Review, and second, that these TRQs will be liberalised further for the second time by a new increase of 3 % upon the entry into force of the adjustments under this second Review ⁽⁴²⁾. This means that the Western Balkan countries will benefit from larger country-specific quotas and will continue to generally have access to the larger residual quotas in the last quarter, which will afford them the possibility to continue exporting beyond their historical levels, as it has been the case since the imposition of definitive measures. The Commission further notes that the new adjustments of horizontal nature regarding crowding out described in Section 3.2.3 and regarding developing country exclusions described in Section 3.2.5, will produce additional overall positive effects in some of the product categories of interest for the Western Balkans.
- (98) Against this background, the Commission finds that neither the safeguard measures have caused, nor could they produce after their adjustment, any substantial risk to the stabilisation or economic development of the Western Balkan countries.
- (99) The Commission finally notes that the claims made by these interested parties in their submissions failed to furnish any evidence showing, or providing any relevant indication, of such a risk.
- (100) Accordingly, based on the above assessment and lacking any other evidence to the contrary, the Commission cannot but dismiss the claims made under this Section.

3.2.5. Update of the list of developing WTO member countries excluded from the scope of the measures based on updated import statistics

- (101) Following the adoption of definitive safeguard measures by Regulation (EU) 2019/159, the Commission committed to reviewing, on a regular basis, the list of developing countries potentially excluded from the scope of the measures based on updated import statistics.

Comments from interested parties

- (102) In the submissions received, some interested parties requested to be excluded from the measures, as a certain country would no longer exceed the 3 % threshold in a given product category. Other parties asked to make certain country subject to the measures, as it would have exceeded the 3 % threshold in a given product category. Certain interested parties asked to be excluded in a given product category, as individually, a country would be below 3 % even if the overall weight of countries in such situation would exceed a 9 % import share. Lastly, other parties considered it more appropriate to conduct the calculation based on all twenty-six product categories together.

Commission position

- (103) In accordance with Article 18 of Regulation (EU) 2015/478 and the international obligations of the Union, namely Article 9.1 of the WTO Agreement on Safeguards, 'safeguard measures should not apply to any product originating in a developing country member of the WTO as long as its share of imports of that product into the Union does not exceed 3 %, provided that developing country members of the WTO with less than a 3 % import share collectively account for not more than 9 % of total Union imports of the product concerned'. Moreover, it is in the Union interest to adapt the list of developing countries excluded from the scope of the measures to avoid that certain developing countries unjustifiably benefit from the original exclusion.
- (104) Therefore, the Commission recalculated, based on the data of the full year 2019 ⁽⁴³⁾, the import share of each exporting country on a product-by-product category basis ⁽⁴⁴⁾.

⁽⁴²⁾ See Section 3.2.6 of this Regulation.

⁽⁴³⁾ Source: Eurostat.

⁽⁴⁴⁾ For the calculation, imports from countries excluded under Article 6 of the Commission Implementing Regulation (EU) 2019/159 were not taken into consideration.

- (105) Based on the full year 2019 data, imports from the following countries, which were excluded from the scope of the measures, exceeded the 3 % threshold in some products categories. Therefore, as a result of this review they should now be subjected to the measures:
- Brazil is included in product category 3A, as its import share in this category reached 23 % in 2019;
 - North Macedonia is included in product category 12, as its import share in this category reached 3,54 % in 2019;
 - Tunisia is included in product category 4A, as its import share in this category reached 4,88 % in 2019;
 - Turkey is included in product category 6, as its import share in this category reached 9,77 % in 2019;
 - United Arab Emirates is included in product category 21, as its import share in this category reached 3,28 % in 2019;
 - Vietnam is included in product category 5, as its import share in this category reached 4,87 % in 2019.
- (106) The Commission then assessed whether, for the above categories, the developing countries concerned would qualify for a country-specific quota. To this end, the Commission assessed whether in the period 2015-2017, the imports of these categories by the countries concerned amounted at least to 5 % of the total imports in that period in any category. The result showed that none of them qualified for a country-specific quota. Therefore, all of these countries will fall under the residual quota in the respective product categories.
- (107) As regards exclusions from the scope of the safeguard measures, the outcome of this review is the following:
- Brazil is excluded from product categories 1, 6 and 7, where its import shares in 2019 amounted to 1,53 %, 1,55 % and 2,25 % respectively;
 - Egypt is excluded in product category 1 where its import shares in 2019 amounted to 1,75 %;
 - Vietnam is excluded in product category 4A, where its import shares in 2019 amounted to 1,23 %.
- (108) The country-specific quotas that would have corresponded to those developing countries members of the WTO that will be excluded from the measures following the review (Brazil in category 6 and China in category 3A), will be incorporated into the relevant residual quotas in each product category concerned as from the beginning of the first quarter of the third year of the measures, i.e. 1 July 2020 ⁽⁴⁵⁾.
- (109) Following this re-calculation the Commission updated the list of exclusions based on the updated import figures for each of the 26 product categories subject to measures (the full updated list is enclosed in Annex I).

3.2.6. *Other changes of circumstances that may require an adjustment to the level of allocation of the TRQ*

Comments from interested parties on the liberalisation

- (110) Under this review ground, the Commission received very diverse request types. The main topic was the level of liberalisation. In view of the decline in demand, the Union industry advocated for a reduction of the current 3 % and even its full elimination. On the other end, other interested parties claimed that the level of liberalisation defined by the first review Regulation should be either maintained, or even increased, whether for all product categories or for some specific product categories and/or specific origins.

Commission position

- (111) The WTO Agreement on Safeguards provides in Article 7(4) that, 'in order to facilitate adjustment in a situation where the expected duration of a safeguard measure as notified under the provisions of paragraph 1 of Article 12 is over one year, the Member applying the measure shall progressively liberalize it at regular intervals during the period of application'.

⁽⁴⁵⁾ The volumes in Annex II already reflect this transfer.

- (112) In this respect, in the first Review Regulation the Commission introduced a 3 % liberalisation level effective for the second year of the measures. In that Regulation, it also established that the same level of liberalisation should apply in the third year of measures, i.e. as from 1 July 2020. The Commission analysed whether any change upwards to the current level was justified.
- (113) As explained in detail in Section 3.1, virtually all sources point to a clear decrease in the economic activity in the year 2020-21 with respect to the previous years. In this respect, the Commission notes that the demand for steel largely follows the macroeconomic trends, e.g. GDP growth, of a country or economic region. Moreover, the Commission recalls the fact that significant amounts of TRQs were not used during the first year of measures and even higher volumes will very likely again remain unused at the end of the second. Therefore, in view of the current economic outlooks for the period 2020-21, the consistent significant amount of TRQs available across product categories, and the absence of any solid evidence on file pointing to any need for an increase of TRQs, the Commission cannot but reject all claims requesting an increase of the liberalisation pace.
- (114) On the other hand, the Commission examined next the requests to reduce or eliminate the current level of liberalisation. The Commission considers that the wording of Article 7(4) of the WTO Agreement on Safeguards clearly binds an investigating authority to at least, preserve a liberalisation level, once it has been effectively implemented on the second year of the measures. Accordingly, for the third year of measures starting on 1 July 2020, the Commission considers that the level of liberalisation cannot be reduced below the one that was effectively in place at the end of year 2, i.e. 3 %. Therefore, the Commission rejects the requests for a reduction of the liberalisation level.
- (115) In view of the above findings, the liberalisation level is thus maintained at a level of 3 % for each product category.

Other comments

- (116) Several interested parties informed the Commission about alleged practices aiming at avoiding the payment of the 25 % out-of-quota duty. These alleged circumvention or misdeclaration practices would take different forms and concern several product categories.
- (117) The Commission takes note of these claims and commits to analysing them further with a view to taking any necessary remedial actions if the alleged practices are confirmed. In any event, the Commission recalls that customs legislation continues to be fully applicable to address those allegations.
- (118) Some interested parties asked to have a split of certain categories. In support of these claims some parties claimed that in some cases both standard and high-end product types were competing under the same TRQ and that the Commission should ensure that the right mix between the two was preserved, avoiding crowding out effects.
- (119) In this respect, the Commission highlights that, following those requests, it has carried out under this second Review a very in-depth analysis of potential crowding out effects and introduced the refined adjustments described in Section 3.2.3 above to remedy them. The Commission notes that these adjustments would allow catering for many of these requests, as they will ensure that those countries supplying small amounts of high-end product types, which usually fall under the residual quota, can have a more secured access to the volumes available. Moreover, the Commission recalls that the design of the measures must strike a difficult balance between ensuring to the extent possible the preservation of traditional trade flows in terms of volumes and origins and maintaining a set of measures that the national customs authorities of Union Member States can effectively implement. The Commission considers that if a proliferation of product subcategories emerged, the implementation of the measures would risk becoming overly burdensome and undermining an effective administration of the TRQs.
- (120) Some requests for a split referred specifically to the fact that certain product types were used by the automotive sector and, hence, they should receive a treatment similar of those under product category 4B. However, the Commission notes in this regard that such requests went largely ignored in the written stage by the automotive industry itself, thus casting reasonable doubts on the Union interest of adopting such adjustment.

- (121) Therefore, the Commission concludes that the submissions received in this respect, with the exception of that of product category 25 mentioned before in recitals 55 to 62, failed to provide sufficient evidence in support of the claims, or to prove their feasibility to be implemented by the customs authorities without being unduly burdensome or to show how such adjustment would be in the overall Union interest.
- (122) Some interested parties requested the Commission to include certain product categories within the scope of the measures, while others claimed that certain categories should be excluded.
- (123) The Commission refers to its finding in recital 163 of the first Review Regulation, where it established that the scope of the review does not cover a change in the product scope. Therefore, these requests are rejected.
- (124) Some parties also insisted that the measures in place did not meet the standards of the WTO Agreement on Safeguards and, hence, that they should be terminated.
- (125) The Commission refers to recital 165 of the first Review Regulation and the references made therein, and thus rejects these claims.
- (126) Other interested parties proposed that TRQs were administered through a licensing system.
- (127) In this respect, the Commission reiterates that any system of TRQ administration needs to ensure that its implementation is not overly burdensome for the customs authorities to a point where it would risk undermining its effective application. The Commission remains of the view that the system of TRQ administration it put in place by the definitive Regulation is the most appropriate to strike an appropriate balance.
- (128) Lastly, several parties inquired about the impact and any possible adjustments related to the withdrawal of the United Kingdom from the Union ('Brexit').
- (129) The Commission notes that, at the time of the adoption the adjustments, the transition period of the withdrawal of the United Kingdom from the Union is still in place as the future agreement between the European Union and the United Kingdom is being negotiated. If necessary, the Commission will re-examine promptly the situation in view of any developments concerning this matter.
- (130) Finally, the Commission notes that the present review amending the ongoing safeguard measures also complies with the obligations arising from the bilateral Agreements signed with certain third countries.

Review clause

- (131) Finally, the Commission considers that, based on the Union interest, it may have to adjust the level or allocation of the tariff-rate quota as set out in Annex II for the period starting on 1 July 2020 in case of changes of circumstances during the period of imposition of the measures. The changed circumstances could, for example, materialise in the case of an overall increase or contraction in Union demand for some product categories that would require a reassessment of the level of the tariff-rate quota, the imposition of anti-dumping or anti-subsidy measures that may significantly affect future import developments, or even any development concerning the US Section 232 that may have a direct impact on the conclusions of this investigation, namely in terms of trade diversion. The Commission may also review whether the operation of the measures could have detrimental effects in achieving the integration objectives pursued with preferential trading partners, such as substantially risking their stabilisation or economic development.
- (132) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Safeguards established under Article 3(3) of Regulation (EU) 2015/478 and Article 22(3) of Regulation (EU) 2015/755 respectively,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2019/159 is amended as follows:

(1) Article 1 is amended as follows:

(a) paragraphs 2 and 3 are replaced by the following:

‘2. For each of the product categories concerned, and with the exception of product categories 8 and 25a, a part of each tariff-rate quota is allocated to the countries specified in Annex IV.

3. The remaining part of each tariff-rate quota, as well as the tariff-rate quota for product categories 8 and 25, shall be allocated on a first-come-first-served basis, based on a tariff-rate quota established equally for each quarter of the period of imposition.’;

(b) paragraph 5 is replaced by the following:

‘5. Where the relevant tariff-rate quota under paragraph 2 is exhausted for one specific country, imports from that country for some product categories can be made under the remaining part of the tariff-rate quota for the same product category. This provision shall only apply during the last quarter of each year of application of the definitive tariff-rate quota. For product categories 5, 16, 20 and 27 no further access to the remaining part of the tariff-rate quota will be allowed. For product categories 10, 12, 13, 14, 15, 21, 22 and 28 only access to a specific volume within the tariff-rate quota volume initially available in the last quarter, will be allowed. In product categories 1 and 4B no exporting country shall be allowed to use, on its own, more than 30 % of the residual tariff-rate quota volume initially available in the last quarter of each year of application of measures. For product categories 2, 3A, 3B, 4A, 6, 7, 9, 17, 18, 19, 24, 25b and 26 the access will be allowed over the total tariff-rate quota volume initially available in the last quarter in the respective product categories’;

(2) the Annexes are amended as follows:

(a) Annex III.2 is replaced by Annex I to this Regulation;

(b) Annex IV is replaced by Annex II to this Regulation.

Article 2

During the period set out in Annex II for the period starting on 1 July 2020 the Commission may review the measures in case of change of circumstances.

Article 3

This Regulation shall enter into force on 1 July 2020.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 June 2020.

For the Commission

The President

Ursula VON DER LEYEN

ANNEX I

ANNEX III.2

III.2 – List of product categories originating in developing countries to which the definitive measures apply

Country / Product group	1	2	3A	3B	4A	4B	5	6	7	8	9	10	12	13	14	15	16	17	18	19	20	21	22	24	25	26	27	28
Brazil		X	X																					X				
China				X		X		X		X		X	X			X			X	X		X		X	X	X	X	X
India	X	X		X	X	X	X	X	X		X	X			X	X					X		X	X		X		
Indonesia									X	X	X													X				
Malaysia											X													X				
Mexico																								X				
Moldova														X			X							X				
North Macedonia							X		X				X								X	X		X				
Thailand											X													X				
Tunisia					X																			X				
Turkey	X	X			X	X	X	X			X		X	X			X	X		X	X	X		X	X	X	X	X
Ukraine		X							X					X	X		X	X			X	X	X	X			X	X
United Arab Emirates																		X	X		X	X		X		X		
Vietnam		X					X				X													X				
All other developing countries																								X				

IV.1 – Volumes of tariff-rate quotas

Product Number	Product category	CN Codes	Allocation by country (Where Applicable)	From 2.2.2019 to 30.6.2019	From 1.7.2019 to 30.6.2020	From 1.7.2020 to 30.9.2020	From 1.10.2020 to 31.12.2020	From 1.1.2021 to 31.3.2021	From 1.4.2021 to 30.6.2021	Additional duty rate	Order numbers
				Volume of tariff quota (net tonnes)	Volume of tariff quota (net tonnes)	Volume of tariff quota (net tonnes)					
1	Non Alloy and Other Alloy Hot Rolled Sheets and Strips	7208 10 00, 7208 25 00, 7208 26 00, 7208 27 00, 7208 36 00, 7208 37 00, 7208 38 00, 7208 39 00, 7208 40 00, 7208 52 10, 7208 52 99, 7208 53 10, 7208 53 90, 7208 54 00, 7211 13 00, 7211 14 00, 7211 19 00, 7212 60 00, 7225 19 10, 7225 30 10, 7225 30 30, 7225 30 90, 7225 40 15, 7225 40 90, 7226 19 10, 7226 91 20, 7226 91 91, 7226 91 99	Third countries	3 359 532,08	8 476 618,01					25 %	
			Russia			421 690,19	421 690,19	412 523,02	417 106,60	25 %	09.8966
			Turkey			344 890,78	344 890,78	337 393,15	341 141,97	25 %	09.8967
			India			168 367,79	168 367,79	164 707,62	166 537,71	25 %	09.8968
			Korea (Republic of)			135 958,47	135 958,47	133 002,85	134 480,66	25 %	09.8969
			Serbia			116 149,87	116 149,87	113 624,87	114 887,37	25 %	09.8970
			Other countries					1 013 612,28	1 013 612,28	991 577,22	1 002 594,76

2	Non Alloy and Other Alloy Cold Rolled Sheets	7209 15 00, 7209 16 90, 7209 17 90, 7209 18 91, 7209 25 00, 7209 26 90, 7209 27 90, 7209 28 90, 7209 90 20, 7209 90 80, 7211 23 20, 7211 23 30, 7211 23 80, 7211 29 00, 7211 90 20, 7211 90 80, 7225 50 20, 7225 50 80, 7226 20 00, 7226 92 00	India	234 714,39	592 220,64	153 750,21	153 750,21	150 407,82	152 079,02	25 %	09.8801
			Korea (Republic of)	144 402,99	364 351,04	94 591,52	94 591,52	92 535,18	93 563,35	25 %	09.8802
			Ukraine	102 325,83	258 183,86	67 028,78	67 028,78	65 571,63	66 300,20	25 %	09.8803
			Brazil	65 398,61	165 010,80	42 839,52	42 839,52	41 908,22	42 373,87	25 %	09.8804
			Serbia	56 480,21	142 508,28	36 997,49	36 997,49	36 193,20	36 595,35	25 %	09.8805
			Other countries	430 048,96	1 085 079,91	281 704,58	281 704,58	275 580,57	278 642,58	25 %	(²)
3.A	Electrical Sheets (other than GOES)	7209 16 10, 7209 17 10, 7209 18 10, 7209 26 10, 7209 27 10, 7209 28 10	Korea (Republic of)	1 923,96	4 854,46	1 260,30	1 260,30	1 232,90	1 246,60	25 %	09.8806
			China	822,98	2 076,52					25 %	09.8807
			Russia	519,69	1 311,25	340,42	340,42	333,02	336,72	25 %	09.8808
			Iran (Islamic Republic of)	227,52	574,06	149,04	149,04	145,80	147,42	25 %	09.8809
			Other countries	306,34	772,95	739,77	739,77	723,69	731,73	25 %	(³)
3.B	7225 19 90, 7226 19 80	Russia	51 426,29	129 756,46	33 686,91	33 686,91	32 954,59	33 320,75	25 %	09.8811	
		Korea (Republic of)	31 380,40	79 177,59	20 555,80	20 555,80	20 108,94	20 332,37	25 %	09.8812	
		China	24 187,01	61 027,57	15 843,76	15 843,76	15 499,33	15 671,54	25 %	09.8813	
		Taiwan	18 144,97	45 782,56	11 885,91	11 885,91	11 627,52	11 756,71	25 %	09.8814	
		Other countries	8 395,39	21 182,87	5 499,42	5 499,42	5 379,87	5 439,65	25 %	(⁴)	

4.A ⁽⁹⁾	Metallic Coated Sheets	TARIC Codes: 7210 41 00 20, 7210 49 00 20, 7210 61 00 20, 7210 69 00 20, 7212 30 00 20, 7212 50 61 20, 7212 50 69 20, 7225 92 00 20, 7225 99 00 11, 7225 99 00 22, 7225 99 00 45, 7225 99 00 91, 7225 99 00 92, 7226 99 30 10, 7226 99 70 11, 7226 99 70 91, 7226 99 70 94,	Korea (Republic of)	69 571,10	328 792,63	45 572,71	45 572,71	44 582,00	45 077,36	25 %	09.8816
			India	83 060,42	209 574,26	54 408,92	54 408,92	53 226,12	53 817,52	25 %	09.8817
			Other countries	761 518,93	1 921 429,81	498 834,77	498 834,77	487 990,53	493 412,65	25 %	⁽⁶⁾
4.B ⁽⁷⁾		CN Codes: 7210 20 00, 7210 30 00, 7210 90 80, 7212 20 00, 7212 50 20, 7212 50 30, 7212 50 40, 7212 50 90, 7225 91 00, 7226 99 10 TARIC codes: 7210 41 00 30, 7210 41 00 80, 7210 49 00 30, 7210 49 00 80, 7210 61 00 30, 7210 61 00 80, 7210 69 00 30, 7210 69 00 80, 7212 30 00 80, 7212 50 61 30, 7212 50 61 80, 7212 50 69 30, 7212 50 69 80, 7225 92 00 80, 7225 99 00 23,	China	204 951,07	517 123,19	134 253,68	134 253,68	131 335,12	132 794,40	25 %	09.8821
			Korea (Republic of)	249 533,26	476 356,93	163 457,35	163 457,35	159 903,93	161 680,64	25 %	09.8822
			India	118 594,25	299 231,59	77 685,44	77 685,44	75 996,63	76 841,03	25 %	09.8823
			Taiwan	49 248,78	124 262,26	32 260,53	32 260,53	31 559,21	31 909,87	25 %	09.8824
			Other countries	125 598,05	316 903,26	82 273,30	82 273,30	80 484,75	81 379,02	25 %	⁽⁶⁾

		7225 99 00 41, 7225 99 00 93, 7225 99 00 95, 7226 99 30 90, 7226 99 70 19, 7226 99 70 96, 7225 99 00 41									
5	Organic Coated Sheets	7210 70 80, 7212 40 80	India	108 042,36	272 607,54	70 773,40	70 773,40	69 234,85	70 004,12	25 %	09.8826
			Korea (Republic of)	103 354,11	260 778,38	67 702,35	67 702,35	66 230,56	66 966,46	25 %	09.8827
			Taiwan	31 975,79	80 679,86	20 945,82	20 945,82	20 490,48	20 718,15	25 %	09.8828
			Turkey	21 834,45	55 091,68	14 302,71	14 302,71	13 991,78	14 147,24	25 %	09.8829
			North Macedonia	16 331,15	41 206,02	10 697,76	10 697,76	10 465,20	10 581,48	25 %	09.8830
			Other countries	43 114,71	108 785,06	28 242,39	28 242,39	27 628,42	27 935,41	25 %	(⁹)
6	Tin Mill products	7209 18 99, 7210 11 00, 7210 12 20, 7210 12 80, 7210 50 00, 7210 70 10, 7210 90 40, 7212 10 10, 7212 10 90, 7212 40 20	China	158 139,17	399 009,55	103 589,44	103 589,44	101 337,49	102 463,47	25 %	09.8831
			Serbia	30 545,88	77 071,98	20 009,15	20 009,15	19 574,17	19 791,66	25 %	09.8832
			Korea (Republic of)	23 885,70	60 267,31	15 646,38	15 646,38	15 306,25	15 476,31	25 %	09.8833
			Taiwan	21 167,00	53 407,61	13 865,49	13 865,49	13 564,07	13 714,78	25 %	09.8834
			Brazil	19 730,03	49 781,91					25 %	09.8835
			Other countries	33 167,30	83 686,22	34 650,52	34 650,52	33 897,25	34 273,88	25 %	(¹⁰)
7	Non Alloy and Other Alloy Quarto Plates	7208 51 20, 7208 51 91, 7208 51 98, 7208 52 91, 7208 90 20, 7208 90 80, 7210 90 30, 7225 40 12, 7225 40 40, 7225 40 60,	Ukraine	339 678,24	857 060,63	222 507,03	222 507,03	217 669,92	220 088,47	25 %	09.8836
			Korea (Republic of)	140 011,38	353 270,32	91 714,78	91 714,78	89 720,98	90 717,88	25 %	09.8837
			Russia	115 485,12	291 386,78	75 648,80	75 648,80	74 004,26	74 826,53	25 %	09.8838
			India	74 811,09	188 759,93	49 005,18	49 005,18	47 939,85	48 472,51	25 %	09.8839
			Other countries	466 980,80	1 178 264,65	305 896,87	305 896,87	299 246,94	302 571,91	25 %	(¹¹)

8	Stainless Hot Rolled Sheets and Strips	7219 11 00, 7219 12 10, 7219 12 90, 7219 13 10, 7219 13 90, 7219 14 10, 7219 14 90, 7219 22 10, 7219 22 90, 7219 23 00, 7219 24 00, 7220 11 00, 7220 12 00	Third countries			91 870,53	91 870,53	89 873,34	90 871,93	25 %	
			China	87 328,82	220 344,09					25 %	
			Korea (Republic of)	18 082,33	45 624,52					25 %	
			Taiwan	12 831,07	32 374,77					25 %	
			United States of America	11 810,30	29 799,22					25 %	
			Other countries	10 196,61	25 727,62					25 %	(12)
9	Stainless Cold Rolled Sheets and Strips	7219 31 00, 7219 32 10, 7219 32 90, 7219 33 10, 7219 33 90, 7219 34 10, 7219 34 90, 7219 35 10, 7219 35 90, 7219 90 20, 7219 90 80, 7220 20 21, 7220 20 29, 7220 20 41, 7220 20 49, 7220 20 81, 7220 20 89, 7220 90 20, 7220 90 80	Korea (Republic of)	70 813,18	178 672,60	46 386,34	46 386,34	45 377,94	45 882,14	25 %	09.8846
			Taiwan	65 579,14	165 466,29	42 957,77	42 957,77	42 023,90	42 490,84	25 %	09.8847
			India	42 720,54	107 790,51	27 984,19	27 984,19	27 375,84	27 680,01	25 %	09.8848
			United States of America	35 609,52	89 848,32	23 326,10	23 326,10	22 819,01	23 072,56	25 %	09.8849
			Turkey	29 310,69	73 955,39	19 200,03	19 200,03	18 782,64	18 991,34	25 %	09.8850
			Malaysia	19 799,24	49 956,54	12 969,54	12 969,54	12 687,59	12 828,57	25 %	09.8851
			Vietnam	16 832,28	42 470,43	11 026,02	11 026,02	10 786,33	10 906,17	25 %	09.8852
			Other countries	50 746,86	128 042,17	33 241,85	33 241,85	32 519,20	32 880,53	25 %	(13)
10	Stainless Hot Rolled Quarto Plates	7219 21 10, 7219 21 90	China	6 765,50	17 070,40	4 431,76	4 431,76	4 335,41	4 383,58	25 %	09.8856
			India	2 860,33	7 217,07	1 873,67	1 873,67	1 832,94	1 853,30	25 %	09.8857
			Taiwan	1 119,34	2 824,27	733,23	733,23	717,29	725,26	25 %	09.8858
			Other countries	1 440,07	3 633,52	943,32	943,32	922,81	933,07	25 %	(14)

12	Non Alloy and Other Alloy Merchant Bars and Light Sections	7214 30 00, 7214 91 10, 7214 91 90, 7214 99 31, 7214 99 39, 7214 99 50, 7214 99 71, 7214 99 79, 7214 99 95, 7215 90 00, 7216 10 00, 7216 21 00, 7216 22 00, 7216 40 10, 7216 40 90, 7216 50 10, 7216 50 91, 7216 50 99, 7216 99 00, 7228 10 20, 7228 20 10, 7228 20 91, 7228 30 20, 7228 30 41, 7228 30 49, 7228 30 61, 7228 30 69, 7228 30 70, 7228 30 89, 7228 60 20, 7228 60 80, 7228 70 10, 7228 70 90, 7228 80 00	China	166 217,87	419 393,33	108 881,40	108 881,40	106 514,42	107 697,91	25 %	09.8861
		Turkey	114 807,87	289 677,97	75 205,16	75 205,16	73 570,27	74 387,72	25 %	09.8862	
		Russia	94 792,44	239 175,96	62 094,01	62 094,01	60 744,14	61 419,08	25 %	09.8863	
		Switzerland	73 380,52	185 150,38	48 068,08	48 068,08	47 023,13	47 545,60	25 %	09.8864	
		Belarus	57 907,73	146 110,15	37 932,60	37 932,60	37 107,97	37 520,28	25 %	09.8865	
		Other countries	76 245,19	192 378,37	49 944,59	49 944,59	48 858,84	49 401,71	25 %	(¹⁵)	
13	Rebars	7214 20 00, 7214 99 10	Turkey	117 231,80	295 793,93	76 792,97	76 792,97	75 123,55	75 958,26	25 %	09.8866
		Russia	94 084,20	237 388,96	61 630,08	61 630,08	60 290,29	60 960,18	25 %	09.8867	
		Ukraine	62 534,65	157 784,58	40 963,47	40 963,47	40 072,96	40 518,21	25 %	09.8868	
		Bosnia and Herzegovina	39 356,10	99 301,53	25 780,31	25 780,31	25 219,87	25 500,09	25 %	09.8869	
		Moldova	28 284,59	71 366,38	18 527,89	18 527,89	18 125,11	18 326,50	25 %	09.8870	
		Other countries	217 775,50	549 481,20	142 654,35	142 654,35	139 553,17	141 103,76		(¹⁶)	

14	Stainless Bars and Light Sections	7222 11 11, 7222 11 19, 7222 11 81, 7222 11 89, 7222 19 10, 7222 19 90, 7222 20 11, 7222 20 19, 7222 20 21, 7222 20 29, 7222 20 31, 7222 20 39, 7222 20 81, 7222 20 89, 7222 30 51, 7222 30 91, 7222 30 97, 7222 40 10, 7222 40 50, 7222 40 90	India	44 433,00	112 111,32	29 105,94	29 105,94	28 473,20	28 789,57	25 %	09.8871
			Switzerland	6 502,75	16 407,44	4 259,64	4 259,64	4 167,04	4 213,34	25 %	09.8872
			Ukraine	5 733,50	14 466,50	3 755,74	3 755,74	3 674,10	3 714,92	25 %	09.8873
			Other countries	8 533,24	21 530,68	5 589,72	5 589,72	5 468,20	5 528,96	25 %	(¹⁷)
15	Stainless Wire Rod	7221 00 10, 7221 00 90	India	10 135,23	25 572,75	6 639,11	6 639,11	6 494,78	6 566,94	25 %	09.8876
			Taiwan	6 619,68	16 702,47	4 336,24	4 336,24	4 241,97	4 289,10	25 %	09.8877
			Korea (Republic of)	3 300,07	8 326,58	2 161,72	2 161,72	2 114,72	2 138,22	25 %	09.8878
			China	2 216,86	5 593,48	1 452,16	1 452,16	1 420,59	1 436,38	25 %	09.8879
			Japan	2 190,40	5 526,72	1 434,83	1 434,83	1 403,63	1 419,23	25 %	09.8880
			Other countries	1 144,43	2 887,57	749,66	749,66	733,36	741,51	25 %	(¹⁸)
16	Non Alloy and Other Alloy Wire Rod	7213 10 00, 7213 20 00, 7213 91 10, 7213 91 20, 7213 91 41, 7213 91 49, 7213 91 70, 7213 91 90, 7213 99 10, 7213 99 90, 7227 10 00, 7227 20 00, 7227 90 10,	Ukraine	149 009,10	375 972,95	97 608,76	97 608,76	95 486,83	96 547,79	25 %	09.8881
			Switzerland	141 995,22	358 275,86	93 014,30	93 014,30	90 992,25	92 003,28	25 %	09.8882
			Russia	122 883,63	310 054,37	80 495,21	80 495,21	78 745,32	79 620,26	25 %	09.8883
			Turkey	121 331,08	306 137,03	79 478,21	79 478,21	77 750,42	78 614,31	25 %	09.8884
			Belarus	97 436,46	245 847,23	63 825,98	63 825,98	62 438,46	63 132,22	25 %	09.8885
			Moldova	73 031,65	184 270,12	47 839,55	47 839,55	46 799,56	47 319,56	25 %	09.8886
			Other countries	122 013,20	307 858,13	79 925,03	79 925,03	78 187,53	79 056,28	25 %	(¹⁹)

		7227 90 50, 7227 90 95									
17	Angles, Shapes and Sections of Iron or Non Al- loy Steel	7216 31 10, 7216 31 90, 7216 32 11, 7216 32 19, 7216 32 91, 7216 32 99, 7216 33 10, 7216 33 90	Ukraine	42 915,19	108 281,65	28 111,70	28 111,70	27 500,57	27 806,14	25 %	09.8891
			Turkey	38 465,03	97 053,20	25 196,61	25 196,61	24 648,85	24 922,73	25 %	09.8892
			Korea (Republic of)	10 366,76	26 156,94	6 790,77	6 790,77	6 643,15	6 716,96	25 %	09.8893
			Russia	9 424,08	23 778,40	6 173,26	6 173,26	6 039,06	6 106,16	25 %	09.8894
			Brazil	8 577,95						25 %	09.8895
			Switzerland	6 648,01	16 773,96	4 354,79	4 354,79	4 260,13	4 307,46	25 %	09.8896
			Other countries	14 759,92	58 885,04	15 287,53	15 287,53	14 955,19	15 121,36	25 %	(²⁰)
18	Sheet Piling	7301 10 00	China	12 198,24	30 778,05	7 990,49	7 990,49	7 816,78	7 903,63	25 %	09.8901
			United Arab Emi- rates	6 650,41	16 780,01	4 356,37	4 356,37	4 261,66	4 309,02	25 %	09.8902
			Other countries	480,04	1 211,21	314,45	314,45	307,61	311,03	25 %	(²¹)
19	Railway Material	7302 10 22, 7302 10 28, 7302 10 40, 7302 10 50, 7302 40 00	Russia	2 147,19	5 417,70	1 433,84	1 433,84	1 402,67	1 418,25	25 %	09.8906
			China	2 145,07	5 412,33	1 432,42	1 432,42	1 401,28	1 416,85	25 %	09.8907
			Turkey	1 744,68	4 402,10	1 165,05	1 165,05	1 139,72	1 152,39	25 %	09.8908
			Ukraine	657,6	1 659,24					25 %	09.8909
			Other countries	1 010,85	2 550,54	1 092,93	1 092,93	1 069,17	1 081,05	25 %	(²²)
20	Gas pipes	7306 30 41, 7306 30 49, 7306 30 72, 7306 30 77	Turkey	88 914,68	224 345,46	58 243,77	58 243,77	56 977,60	57 610,68	25 %	09.8911
			India	32 317,40	81 541,78	21 169,59	21 169,59	20 709,38	20 939,48	25 %	09.8912
			North Macedonia	9 637,48	24 316,84	6 313,05	6 313,05	6 175,81	6 244,43	25 %	09.8913
			Other countries	22 028,87	55 582,25	14 430,07	14 430,07	14 116,37	14 273,22	25 %	(²³)

21	Hollow sections	7306 61 10, 7306 61 92, 7306 61 99	Turkey	154 436,15	389 666,25	101 163,76	101 163,76	98 964,55	100 064,16	25 %	09.8916
			Russia	35 406,28	89 335,51	23 192,97	23 192,97	22 688,77	22 940,87	25 %	09.8917
			North Macedonia	34 028,95	85 860,29	22 290,74	22 290,74	21 806,16	22 048,45	25 %	09.8918
			Ukraine	25 240,74	63 686,29	16 534,01	16 534,01	16 174,57	16 354,29	25 %	09.8919
			Switzerland	25 265,29	56 276,65	14 610,34	14 610,34	14 292,73	14 451,53	25 %	09.8920
			Belarus	20 898,79	52 730,88	13 689,80	13 689,80	13 392,20	13 541,00	25 %	09.8921
			Other countries	25 265,29	63 748,22	16 550,09	16 550,09	16 190,30	16 370,19	25 %	(²⁴)
22	Seamless Stainless Tubes and Pipes	7304 11 00, 7304 22 00, 7304 24 00, 7304 41 00, 7304 49 10, 7304 49 93, 7304 49 95, 7304 49 99	India	8 315,90	20 982,29	5 447,35	5 447,35	5 328,93	5 388,14	25 %	09.8926
			Ukraine	5 224,94	13 183,34	3 422,61	3 422,61	3 348,21	3 385,41	25 %	09.8927
			Korea (Republic of)	1 649,31	4 161,47	1 080,39	1 080,39	1 056,90	1 068,64	25 %	09.8928
			Japan	1 590,45	4 012,94	1 041,83	1 041,83	1 019,18	1 030,50	25 %	09.8929
			United States of America	1 393,26	3 515,42	912,66	912,66	892,82	902,74	25 %	09.8930
			China	1 299,98	3 280,05					25 %	09.8931
			Other countries	2 838,17	7 161,15	2 710,71	2 710,71	2 651,78	2 681,24	25 %	(²⁵)
24	Other Seamless Tubes	7304 19 10, 7304 19 30, 7304 19 90, 7304 23 00, 7304 29 10, 7304 29 30, 7304 29 90, 7304 31 20, 7304 31 80, 7304 39 10, 7304 39 52, 7304 39 58, 7304 39 92,	China	49 483,75	124 855,14	32 414,45	32 414,45	31 709,78	32 062,12	25 %	09.8936
			Ukraine	36 779,89	92 801,35	24 092,76	24 092,76	23 569,00	23 830,88	25 %	09.8937
			Belarus	19 655,31	49 593,37	12 875,25	12 875,25	12 595,36	12 735,31	25 %	09.8938
			Japan	13 766,04	34 733,85	9 017,48	9 017,48	8 821,45	8 919,46	25 %	09.8939
			United States of America	12 109,53	30 554,21	7 932,38	7 932,38	7 759,93	7 846,15	25 %	09.8940
			Other countries	55 345,57	139 645,41	36 254,24	36 254,24	35 466,11	35 860,18	25 %	(²⁶)

		7304 39 93, 7304 39 98, 7304 51 81, 7304 51 89, 7304 59 10, 7304 59 92, 7304 59 93, 7304 59 99, 7304 90 00									
25	Large welded tubes	7305 11 00, 7305 12 00, 7305 19 00, 7305 20 00, 7305 31 00, 7305 39 00, 7305 90 00	Russia	140 602,32	354 761,34					25 %	
			Turkey	17 543,40	44 264,71					25 %	
			China	14 213,63	35 863,19					25 %	
			Other countries	34 011,86	85 817,17					25 %	
25.A	Large welded tubes	7305 11 00, 7305 12 00	Third countries			97 268,30	97 268,30	95 153,77	96 211,03	25 %	(²⁷)
25.B	Large welded tubes	7305 19 00, 7305 20 00, 7305 31 00, 7305 39 00, 7305 90 00	Turkey			11 245,20	11 245,20	11 000,73	11 122,97	25 %	09.8971
			China			6 775,70	6 775,70	6 628,41	6 702,06	25 %	09.8972
			Russian Federation			6 680,59	6 680,59	6 535,36	6 607,97	25 %	09.8973
			Korea, Republic of			4 877,57	4 877,57	4 771,54	4 824,55	25 %	09.8974
			Japan			2 588,59	2 588,59	2 532,31	2 560,45	25 %	09.8975
			Other countries			5 748,00	5 748,00	5 623,04	5 685,52	25 %	(²⁸)
26	Other Welded Pipes	7306 11 10, 7306 11 90, 7306 19 10, 7306 19 90, 7306 21 00, 7306 29 00, 7306 30 11, 7306 30 19, 7306 30 80,	Switzerland	64 797,98	163 495,29	42 446,07	42 446,07	41 523,33	41 984,70	25 %	09.8946
			Turkey	60 693,64	153 139,43	39 757,51	39 757,51	38 893,22	39 325,37	25 %	09.8947
			United Arab Emirates	18 676,40	47 123,44	12 234,02	12 234,02	11 968,06	12 101,04	25 %	09.8948
			China	18 010,22	45 442,58	11 797,64	11 797,64	11 541,17	11 669,40	25 %	09.8949

		7306 40 20, 7306 40 80, 7306 50 20, 7306 50 80, 7306 69 10, 7306 69 90, 7306 90 00	Taiwan	14 374,20	36 268,32	9 415,85	9 415,85	9 211,16	9 313,51	25 %	09.8950
			India	11 358,87	28 660,18	7 440,65	7 440,65	7 278,90	7 359,78	25 %	09.8951
			Other countries	36 898,57	93 100,78	24 170,49	24 170,49	23 645,05	23 907,77	25 %	(²⁹)
27	Non-alloy and other alloy cold finished bars	7215 10 00, 7215 50 11, 7215 50 19, 7215 50 80, 7228 10 90, 7228 20 99, 7228 50 20, 7228 50 40, 7228 50 61, 7228 50 69, 7228 50 80	Russia	117 519,41	296 519,61	76 981,37	76 981,37	75 307,86	76 144,61	25 %	09.8956
			Switzerland	27 173,22	68 562,23	17 799,88	17 799,88	17 412,93	17 606,41	25 %	09.8957
			China	20 273,26	51 152,57	13 280,05	13 280,05	12 991,35	13 135,70	25 %	09.8958
			Ukraine	15 969,02	40 292,29	10 460,54	10 460,54	10 233,14	10 346,84	25 %	09.8959
			Other countries	17 540,47	44 257,32	11 489,93	11 489,93	11 240,15	11 365,04	25 %	(³⁰)
28	Non Alloy Wire	7217 10 10, 7217 10 31, 7217 10 39, 7217 10 50, 7217 10 90, 7217 20 10, 7217 20 30, 7217 20 50, 7217 20 90, 7217 30 41, 7217 30 49, 7217 30 50, 7217 30 90, 7217 90 20, 7217 90 50, 7217 90 90	Belarus	88 294,51	222 780,67	57 837,52	57 837,52	56 580,19	57 208,86	25 %	09.8961
			China	66 719,82	168 344,42	43 704,98	43 704,98	42 754,87	43 229,92	25 %	09.8962
			Russia	41 609,21	104 986,47	27 256,21	27 256,21	26 663,69	26 959,95	25 %	09.8963
			Turkey	40 302,46	101 689,34	26 400,22	26 400,22	25 826,31	26 113,26	25 %	09.8964
			Ukraine	26 755,09	67 507,23	17 525,99	17 525,99	17 144,99	17 335,49	25 %	09.8965
			Other countries	39 770,29	100 346,58	26 051,62	26 051,62	25 485,28	25 768,45	25 %	(³¹)

(¹) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8601
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8602
From 01.04.2021 to 30.06.2021: for Russia*: 09.8571, for Turkey*: 09.8572, for India*: 09.8573, for Korea (Republic of)*: 09.8574, for Serbia*: 09.8575.
* In case of exhaustion of their specific quotas in accordance with Article 1.5.

(²) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8603.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8604
From 01.04.2021 to 30.06.2021: for India*, Korea (Republic of)*, Ukraine*, Brazil* and Serbia*: 09.8567.
* In case of exhaustion of their specific quotas in accordance with Article 1.5.

- (3) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8605.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8606
From 01.04.2021 to 30.06.2021: for Korea (Republic of)*, Russia* and Iran (Islamic Republic of)*: 09.8568.
* In case of exhaustion of their specific quotas in accordance with Article 1.5.
- (4) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8607.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8608
From 01.04.2021 to 30.06.2021: for Russia*, Korea (Republic of)*, China* and Taiwan*: 09.8569.
* In case of exhaustion of their specific quotas in accordance with Article 1.5.
- (5) Products subject to anti-dumping duties
- (6) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8609.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8610
From 01.04.2021 to 30.06.2021: for India* and Korea (Republic of)*: 09.8570.
* In case of exhaustion of their specific quotas in accordance with Article 1.5.
- (7) Products which are not subject to anti-dumping duties (including automotive)
- (8) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8611. From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8612
From 01.04.2021 to 30.06.2021: for China*: 09.8581, for Korea (Republic of)*: 09.8582, for India*: 09.8583, for Taiwan*: 09.8584.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (9) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8613.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8614
- (10) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8615.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8616
From 01.04.2021 to 30.06.2021: for China*, Korea (Republic of)*, Taiwan* and Serbia*: 09.8576.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (11) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8617.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8618
From 01.04.2021 to 30.06.2021: for Ukraine*, Korea (Republic of)*, Russia* and India*: 09.8577.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (12) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8619.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8620
- (13) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8621.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8622
From 01.04.2021 to 30.06.2021: for Korea (Republic of)*, Taiwan* India*, United States of America*, Turkey*, Malaysia* and Vietnam*: 09.8578.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (14) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8623.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8624
From 01.04.2021 to 30.06.2021: for China*, India* and Taiwan*: 09.8591.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (15) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8625.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8626
From 01.04.2021 to 30.06.2021: for China*, Turkey*, Russia*, Switzerland* and Belarus*: 09.8592.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (16) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8627.
From 01.04.2019 to 30.06.2019: 09.8628.
From 01.04.2021 to 30.06.2021: for Turkey*, Russia*, Ukraine* and Bosnia and Herzegovina* and Moldova*: 09.8593.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- (17) From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8629.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8630
From 01.04.2021 to 30.06.2021: for India*, Switzerland* and Ukraine*: 09.8594.
* In case of exhaustion of their specific quotas in accordance with Article 1.5

- ⁽¹⁸⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8631.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8632
From 01.04.2021 to 30.06.2021: for India*, Taiwan*, Korea (Republic of)*, China* and Japan*: 09.8595.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽¹⁹⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8633.
From 01.04.2019 to 30.06.2019: 09.8634.
From 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8634. * In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²⁰⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8635.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8636
From 01.04.2021 to 30.06.2021: for Ukraine, Turkey*, Korea (Republic of)*, Russia* and Switzerland*: 09.8579.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²¹⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8637.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8638
From 01.04.2021 to 30.06.2021: for China* and United Arab Emirates*: 09.8580.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²²⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8639.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8640
From 01.04.2021 to 30.06.2021: for Russia*, China* and Turkey*: 09.8585.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²³⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8641.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8642
- ⁽²⁴⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8643.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8644
From 01.04.2021 to 30.06.2021: for Turkey*, Russia*, Ukraine*, North Macedonia*, Switzerland* and Belarus*: 09.8596.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²⁵⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8645.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8646
From 01.04.2021 to 30.06.2021: for India*, Ukraine*, Korea (Republic of)*, Japan* and United States of America*: 09.8597.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²⁶⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8647.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8648
From 01.04.2021 to 30.06.2021: for China*, Ukraine*, Belarus*, Japan* and United States of America*: 09.8586.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²⁷⁾ From 01.07.2020 to 31.03.2021: 09.8657.
From 01.04.2021 to 30.06.2021: 09.8658.
- ⁽²⁸⁾ From 01.07.2020 to 31.03.2021: 09.8659.
From 01.04.2021 to 30.06.2021: 09.8660.
From 01.04.2021 to 30.06.2021: for Turkey*, China*, Russian Federation*, Korea (Republic of)* and Japan*: 09.8587.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽²⁹⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8651.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8652
From 01.04.2021 to 30.06.2021: for Switzerland*, Turkey*, United Arab Emirates, China*, Taiwan* and India*: 09.8588.
* In case of exhaustion of their specific quotas in accordance with Article 1.5
- ⁽³⁰⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8653.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8654
- ⁽³¹⁾ From 02.02.2019 to 31.03.2019, from 01.07.2019 to 31.03.2020 and from 01.07.2020 to 31.03.2021: 09.8655.
From 01.04.2019 to 30.06.2019, from 01.04.2020 to 30.06.2020 and from 01.04.2021 to 30.06.2021: 09.8656
From 01.04.2021 to 30.06.2021: for Turkey*, Russia*, Ukraine*, China* and Belarus*: 09.8598.
* In case of exhaustion of their specific quotas in accordance with Article 1.5

IV.2 – Volumes of global tariff–rate quotas per trimester

		YEAR 1		YEAR 2				YEAR 3			
Product number		From 02.02.2019 to 31.03.2019	From 01.04.2019 to 30.06.2019	From 01.07.2019 to 30.09.2019	From 01.10.2019 to 31.12.2019	From 01.01.2020 to 31.03.2020	From 01.04.2020 to 30.06.2020	From 01.07.2020 to 30.09.2020	From 01.10.2020 to 31.12.2020	From 01.01.2021 to 31.03.2021	From 01.04.2021 to 30.06.2021
1	Other countries	1 307 737,32	2 051 794,76	2 172 108,07	2 116 842,75	2 093 833,59	2 093 833,59	1 013 612,28	1 013 612,28	991 577,22	1 002 594,76
2	Other countries	167 401,61	262 647,35	278 048,49	270 974,05	268 028,68	268 028,68	281 704,58	281 704,58	275 580,57	278 642,58
3.A	Other countries	119,25	187,09	198,07	193,03	190,93	190,93	739,77	739,77	723,69	731,73
3.B	Other countries	3 268,01	5 127,39	5 428,05	5 289,94	5 232,44	5 232,44	5 499,42	5 499,42	5 379,87	5 439,65
4.A	Other countries	296 430,19	465 088,74	492 360,66	479 833,44	474 617,86	474 617,86	498 834,77	498 834,77	487 990,53	493 412,65
4.B	Other countries	48 890,51	76 707,53	81 205,51	79 139,39	78 279,18	78 279,18	82 273,30	82 273,30	80 484,75	81 379,02
5	Other countries	16 782,91	26 331,80	27 875,85	27 166,60	26 871,31	26 871,31	28 242,39	28 242,39	27 628,42	27 935,41
6	Other countries	12 910,76	20 256,54	21 444,34	20 898,73	20 671,57	20 671,57	34 650,52	34 650,52	33 897,25	34 273,88
7	Other countries	181 777,76	285 203,04	301 926,80	294 244,83	291 046,51	291 046,51	305 896,87	305 896,87	299 246,94	302 571,91
8	Other countries	3 969,15	6 227,46	6 592,63	6 424,89	6 355,05	6 355,05	91 870,53	91 870,53	89 873,34	90 871,93
9	Other countries	19 753,81	30 993,05	32 810,42	31 975,62	31 628,06	31 628,06	33 241,85	33 241,85	32 519,20	32 880,53
10	Other countries	560,56	879,51	931,08	907,39	897,53	897,53	943,32	943,32	922,81	933,07
12	Other countries	29 679,33	46 565,85	49 296,38	48 042,13	47 519,93	47 519,93	49 944,59	49 944,59	48 858,84	49 401,71
13	Other countries	84 771,67	133 003,83	140 802,92	137 220,44	135 728,92	135 728,92	142 654,35	142 654,35	139 553,17	141 103,76
14	Other countries	3 321,66	5 211,58	5 517,17	5 376,80	5 318,36	5 318,36	5 589,72	5 589,72	5 468,20	5 528,96
15	Other countries	445,48	698,95	739,93	721,11	713,27	713,27	749,66	749,66	733,36	741,51
16	Other countries	47 495,07	74 518,13	78 887,73	76 880,57	76 044,91	76 044,91	79 925,03	79 925,03	78 187,53	79 056,28

17	Other countries	5 745,47	9 014,45	9 543,04	16 567,39	16 387,31	16 387,31	15 287,52	15 287,52	14 955,19	15 121,36
18	Other countries	186,86	293,18	310,37	302,47	299,18	299,18	314,45	314,45	307,61	311,03
19	Other countries	393,49	617,37	653,57	636,94 ⁽¹⁾	630,02	630,02	1 092,93	1 092,93	1 069,17	1 081,05
20	Other countries	8 575,00	13 453,88	14 242,79	13 880,40	13 729,53	13 729,53	14 430,07	14 430,07	14 116,37	14 273,22
21	Other countries	9 834,81	15 430,48	16 335,29	15 919,67	15 746,63	15 746,63	16 550,09	16 550,09	16 190,30	16 370,19
22	Other countries	1 104,79	1 733,38	1 835,02	1 788,34 ⁽²⁾	1 768,90	1 768,90	2 710,71	2 710,71	2 651,78	2 681,24
24	Other countries	21 543,91	33 801,65	35 783,72	34 873,27	34 494,21	34 494,21	36 254,24	36 254,24	35 466,11	35 860,18
25	Other countries	13 239,52	20 772,34	21 990,39	21 430,89 ⁽³⁾	21 197,95	21 197,95				
25.A	Other countries							97 268,30	97 268,30	95 153,77	96 211,03
25.B	Other countries							5 748,00	5 748,00	5 623,04	5 685,52
26	Other countries	14 363,20	22 535,37	23 856,80	23 249,80	22 997,09	22 997,09	24 170,49	24 170,49	23 645,05	23 907,77
27	Other countries	6 827,84	10 712,64	11 340,81	11 052,26	10 932,13	10 932,13	11 489,93	11 489,93	11 240,15	11 365,04
28	Other countries	15 481,05	24 289,24	25 713,51	25 059,28	24 786,90	24 786,90	26 051,62	26 051,62	25 485,28	25 768,45'

⁽¹⁾ This amount will be modified after the transfer of the unused volumes of the country-specific quota under order number 09.8909 according to Article 2 of this Regulation.

⁽²⁾ This amount will be modified after the transfer of the unused volumes of the country-specific quota under order number 09.8931 according to Article 2 of this Regulation.

⁽³⁾ This amount will be modified after the transfer of the unused volumes of the country-specific quotas under order numbers 09.8941, 09.8942, 09.8943 according to Article 2 of this Regulation.

ANNEX III

Maximum volume of residual quota accessible from 01.04.2021 to 30.06.2021 to countries with a country specific quota

Product category	New allocated quota from 1.4.2021 to 30.6.2021 in tonnes
1	Special regime
2	278 642,58
3.A	731,73
3.B	5 439,65
4.A	493 412,65
4.B	Special regime
5	No access to the residual quota in Q4
6	34 273,88
7	302 571,91
8	Not applicable
9	32 880,53
10	276,19
12	29 542,22
13	37 251,39
14	3 068,57
15	552,42
16	No access to the residual quota in Q4
17	15 121,36
18	311,03
19	1 081,05
20	No access to the residual quota in Q4
21	3 421,37
22	2 174,49
24	35 860,18
25.A	Not applicable
25.B	5 685,52
26	23 907,77
27	No access to the residual quota in Q4
28	18 295,60

DECISIONS

POLITICAL AND SECURITY COMMITTEE DECISION (CFSP) 2020/895

of 25 June 2020

on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision (CFSP) 2020/401 (ATALANTA/2/2020)

THE POLITICAL AND SECURITY COMMITTEE,

Having regard to the Treaty on European Union, and in particular Article 38 thereof,

Having regard to Council Joint Action 2008/851/CFSP of 10 November 2008 on a European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ⁽¹⁾, and in particular Article 6(1) thereof,

Whereas:

- (1) Pursuant to Article 6(1) of Joint Action 2008/851/CFSP, the Council authorised the Political and Security Committee (PSC) to take the relevant decisions on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast ('EU Force Commander').
- (2) On 12 March 2020, the PSC adopted Decision (CFSP) 2020/401 ⁽²⁾ appointing Rear Admiral Ignacio VILLANUEVA SERRANO as EU Force Commander.
- (3) The EU Operation Commander has recommended the appointment of Rear Admiral Riccardo MARCHIO' as the new EU Force Commander as from 26 August 2020.
- (4) On 20 May 2020, the EU Military Committee supported that recommendation.
- (5) Decision (CFSP) 2020/401 should therefore be repealed.
- (6) In accordance with Article 5 of Protocol No 22 on the position of Denmark, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Denmark does not participate in the elaboration and the implementation of decisions and actions of the Union which have defence implications,

HAS ADOPTED THIS DECISION:

Article 1

Rear Admiral Riccardo MARCHIO' is hereby appointed EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) as from 26 August 2020.

⁽¹⁾ OJ L 301, 12.11.2008, p. 33.

⁽²⁾ Political and Security Committee Decision (CFSP) 2020/401 of 12 March 2020 on the appointment of the EU Force Commander for the European Union military operation to contribute to the deterrence, prevention and repression of acts of piracy and armed robbery off the Somali coast (Atalanta) and repealing Decision (CFSP) 2019/1988 (ATALANTA/1/2020) (OJ L 79, 16.3.2020, p. 2).

Article 2

Decision (CFSP) 2020/401 is repealed.

Article 3

This Decision shall enter into force on 26 August 2020.

Done at Brussels, 25 June 2020.

For the Political and Security Committee
The Chairperson
S. FROM-EMMESBERGER

ACTS ADOPTED BY BODIES CREATED BY INTERNATIONAL AGREEMENTS

DECISION No 1/2020 OF THE COMMUNITY/SWITZERLAND INLAND TRANSPORT COMMITTEE of 19 June 2020

aligning Decision No 2/2019 with the dates of transposition, postponed due to the COVID-19 pandemic, of Directives (EU) 2016/797 and (EU) 2016/798 of the European Parliament and of the Council [2020/896]

THE COMMITTEE,

Having regard to the Agreement between the European Community and the Swiss Confederation on the carriage of goods and passengers by rail and road ⁽¹⁾ ('the Agreement'), and in particular Article 52(4) thereof,

Whereas:

Joint Committee Decision No 2/2019 of 13 December 2019 ⁽²⁾ aims to maintain smooth rail traffic between Switzerland and the European Union, in accordance with the requirements set out in Directive (EU) 2016/797 of the European Parliament and of the Council ⁽³⁾ and Directive (EU) 2016/798 of the European Parliament and of the Council ⁽⁴⁾. Due to the exceptional circumstances caused by the COVID-19 pandemic, the European Parliament and the Council have postponed the dates of transposition of Directives (EU) 2016/797 and (EU) 2016/798 by adopting Directive (EU) 2020/700 ⁽⁵⁾. Joint Committee Decision No 2/2019 should be aligned with the dates of transposition as amended by that Directive,

HAS DECIDED AS FOLLOWS:

Article 1

The following new paragraph 2a is inserted in Article 7 of Decision No 2/2019 of the Community/Switzerland Inland Transport Committee of 13 December 2019:

- '2a. Article 2(1) and/or Article 3(1) of Joint Committee Decision No 1/2013 shall continue to apply until 31 October 2020 for Member States that have notified the Agency and the Commission pursuant to Article 57(2a) of Directive (EU) 2016/797 or Article 33(2a) of Directive (EU) 2016/798.'

Article 2

This Decision shall enter into force on the day of its adoption.

⁽¹⁾ OJ L 114, 30.4.2002, p. 91.

⁽²⁾ OJ L 13, 17.1.2020, p. 43.

⁽³⁾ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system within the European Union (OJ L 138, 26.5.2016, p. 44).

⁽⁴⁾ Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (OJ L 138, 26.5.2016, p. 102).

⁽⁵⁾ Directive (EU) 2020/700 of the European Parliament and of the Council of 25 May 2020 amending Directives (EU) 2016/797 and (EU) 2016/798, as regards the extension of their transposition periods (OJ L 165, 27.5.2020, p. 27).

Done at Bern, 19 June 2020.

For the Swiss Confederation
The President
Peter FÜGLISTALER

For the European Union
The Head of the European Union Delegation
Elisabeth WERNER

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

EN